



California Regulatory Notice Register

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 Santa Barbara San Luis Obispo Regional Health Authority
 dba CenCal Health

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY: BETA Healthcare Group Risk Management Authority;
Santa Barbara San Luis Obispo
Regional Health Authority,
dba CenCal Health

A written comment period has been established commencing on **September 12, 2008**, and closing on **October 27, 2008**. Written comments should be directed to the Fair Political Practices Commission, Attention Sarah Olson, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested per-

son, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **October 27, 2008**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Sarah Olson, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Sarah Olson, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY: SIERRA JOINT COMMUNITY COLLEGE DISTRICT

A written comment period has been established commencing on **September 12, 2008**, and closing on **October 27, 2008**. Written comments should be directed to the Fair Political Practices Commission, Attention Sarah Olson, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the

proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **October 27, 2008**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Sarah Olson, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Sarah Olson, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulation at a public hearing on or after **October 16, 2008**, at the offices of the Fair Political Practices Commission, 428 J Street, Sacramento, California, commencing at approximately 10:00 a.m. Written comments must be received at the Commission offices no later than **5:00 p.m. on October 14, 2008**.

BACKGROUND/OVERVIEW

(1) Cost of Living Adjustment for Campaign Contribution Limits, Voluntary Expenditure Ceilings, and Officeholder Contribution Limits: Adoption of Amendments to Regulation 18545. Proposition 34 created contribution limits and voluntary expenditure ceilings for state candidates (Government Code Sections 85301, 85302, 85303, and 85400).¹ Section 83124, added by Proposition 34, requires the Fair Political Practices Commission ("Commission") to adjust the contribution limits and voluntary expenditure ceilings biennially to reflect changes in the California Consumer Price Index ("CPI").

In August 2002, the Commission adopted Regulation 18544, which created the following formula for the cost of living adjustment of the contribution limits and voluntary expenditure ceilings.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

$$\text{Applicable Limit}_{2001} \times \frac{224.7 \text{ (average 2008 CPI)**}}{174.8 \text{ (CPI from 2000)}} = \text{2009 limit***}$$

**Rounded to nearest \$100 for contribution limits; to nearest \$1,000 for voluntary expenditure ceilings.

***At the time of the filing of this notice the 2008 California CPI has not yet been released. The California Department of Finance (DOF) provides the annual California CPI for all urban consumers in California at the end of each year. As of June 2008 the average California CPI for all urban consumers was 224.7, however, this is subject to change and will be updated when the 2008 California CPI is finally released for 2008.

In 2006 Senate Bill 145 took effect as urgency legislation. SB 145 (Stats. 2006, Ch. 624, urgency) amended the "net debt" provision (Section 85316) of the Political Reform Act (the "Act").² The net debt provision prohibits post-election fundraising for any purpose other than to pay net debt. SB 145 allows the establishment of a separate officeholder account for officeholder expenses. Additionally, SB 145 requires that:

- Contributors and elected state officers are subject to calendar year contribution limits.
- Elected state officers are subject to aggregate contribution limits on a calendar year basis.
- The contribution limitations will be adjusted in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index (rounded to the nearest \$100).

In 2006, the Commission amended Regulation 18544 to create the following formula for the cost of living adjustment of the contribution limits and aggregate limits applicable to officeholder accounts.

$$\text{Applicable Limit}_{2007} \times \frac{224.7 \text{ (average 2008 CPI)**}}{210.5 \text{ (CPI from 2006)}} = \text{2009 limit***}$$

**Rounded to nearest \$100.

*** At the time of the filing of this notice the 2008 California CPI has not yet been released. The California Department of Finance (DOF) provides the annual California CPI for all urban consumers in California at the end of each year. As of June 2008 the average California CPI for all urban consumers was 224.7, however, this is subject to change and will be updated when the 2008 California CPI is finally released for 2008.

(2) Biennial Gift Limit Adjustment: Adoption of Amendments to Regulations 18703.4, 18730, 18940.2, 18942.1, and 18943. The gift limit is adjusted biennially by the Commission to reflect changes in the annual California Consumer Price Index ("CPI"). (Government Code Sections 87103(c) and 89503(f).) The California Department of Finance ("DOF") provides the calendar year CPI for all urban consumers. The formula used to calculate the adjusted gift limit (found at Regulation 18940.2(d)(2)) is as follows:

² Government Code Sections 81000-91014. Commission regulations appear at title 2, Sections 18109-18997, of the California Code of Regulations.

$\frac{\text{Applicable Limit 1990} \times 224.7 \text{ (average 2008 CPI)**}}{135 \text{ (CPI from 1990)}} = \text{2009 limit***}$

**Rounded to nearest \$10.

***At the time of the filing of this notice the 2008 California CPI has not yet been released. The California Department of Finance (DOF) provides the annual California CPI for all urban consumers in California at the end of each year. As of June 2008 the average California CPI for all urban consumers was 224.7, however, this is subject to change and will be updated when the 2008 California CPI is finally released for 2008.

REGULATORY ACTION

(1) Amend 2 Cal. Code Regs. § 18545. The proposed amendments to regulation 18545 reflect the adjusted contribution limits and voluntary expenditure ceilings for state candidates for the period of January 1, 2009, through December 31, 2010.

(2) Amend 2 Cal. Code Regs. §§ 18703.4, 18730, 18940.2, 18942.1 and 18943. The proposed amendments reflect the adjustment of the gift limit from \$390 to \$420 for the period of January 1, 2009, through December 31, 2010.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of these regulations is to implement, interpret, and make specific the following:

(1) Amend 2 Cal. Code Regs. § 18545. Government Code Sections 83124, 85301, 85302, 85303 and 85400.

(2) Amend 2 Cal. Code Regs. §§ 18703.4, 18730, 18940.2, 18942.1 and 18943. 82028, 87100, 87102.5, 87102.6, 87102.8, 87103, 87207, 87300–87302, 89501, 89502, 89503 and 89506

CONTACT

Any inquiries should be made to Sukhi Brar, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322–5660 or 1–866–ASK–FPPC. Proposed regulatory language can be accessed at:

<http://www.fppc.ca.gov/index.html?id=351>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulations at a public hearing on or after **October 16, 2008**, at the offices of the Fair Political Practices Commission, 428 J Street, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on October 14, 2008**.

BACKGROUND/OVERVIEW

Under the Political Reform Act (Government Code Sections 81000–91014; all statutory references are to the Government Code), persons receiving contributions totaling \$1,000 or more in a calendar year, thus qualifying as a recipient committee, are required to file a statement of organization within 10 days after qualifying. (Section 84101; also see Section 82013(a).) Additionally, a committee which qualifies as a recipient committee prior to an election but after the last campaign statement required to be filed before the election may have to file a statement providing the information required in a statement of organization within 24 hours under Section 84101(b) or (c).

Section 84102 outlines the requirements for a statement of organization or a 24-hour statement required by Section 84101(b) or (c). In pertinent part, Section 84102(c) requires “the full name, street address, and telephone number, if any, of the treasurer and principal officers” of the committee. Despite the requirements of Section 84102(c), most committees do not provide in-

formation regarding the principal officers of the committee when submitting a statement of organization or a 24-hour statement required by Section 84101(b) or (c). Contributing to the problem, the Act and current regulations do not define the term “principal officer” and do not clearly specify when a principal officer must be identified.

REGULATORY ACTION

Adopt 2 Cal. Code Regs. Section 18402.1 and Amend Cal. Code Regs. Section 18427:

Proposed Regulation 18402.1 requires committees, other than candidate controlled committees, to disclose the name of their principal officer when submitting a statement or organization as required by Section 84101(a) or a 24-hour statement required by Section 84101(b) or (c).

Specific proposals the Commission may consider include, but are not limited to the following:

- Defining the term “principal officer.”
- Determining the appropriate disclosure for committees with multiple principal officers.
- Determining the appropriate disclosure for sponsored committees.

The Commission will also consider an amendment to Regulation 18427. Currently, Regulation 18427(d) states that the person who is primarily responsible for initiating and implementing the political activity of a committee will be considered the treasurer and subject to the duties of the treasurer if the committee fails to designate a treasurer as required by Section 84100. The Commission will consider defining the person considered the treasurer of a committee, in the event the committee fails to designate a treasurer, as the same individual qualifying as the principal officer of the committee under proposed Regulation 18402.1.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of these regulations is to implement, interpret, and make specific Government Code Sections 84101, 84102, 84103, and 84108.

CONTACT

Any inquiries should be made to Brian G. Lau, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.html?ID=247#2>.

TITLE 27. CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

NOTICE OF PROPOSED RULEMAKING

Title 27.	Environmental Protection
Division 2.	Solid Waste
Subdivision 1.	Consolidated Regulations for Treatment, Storage, Processing or Disposal of Solid Waste
Chapter 3.	Criteria for All Waste Management Units, Facilities, and Disposal Sites
Subchapter 4.	Criteria for Landfills and Disposal Sites
Article 6.	Gas Monitoring and Control at Active and Closed Disposal Sites
Section 20921.	CIWMB — Gas Monitoring and Control

PROPOSED REGULATORY ACTION

The California Integrated Waste Management Board (CIWMB) proposes to amend Title 27, California Code

of Regulations (27 CCR), § 20921. The proposed changes modify existing regulations governing landfill gas monitoring and control programs at solid waste disposal sites.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the CIWMB. **The written comment period for this rulemaking ends at 5:00 p.m. on October 27, 2008.** The CIWMB will also accept oral and written comments during the public hearing described below. Please submit your written comments to:

Robert Holmes
Waste Compliance and Mitigation Program
California Integrated Waste Management Board
P.O. Box 4025, M.S. 10A-16
Sacramento, CA 95812-4025
e-mail: rholes@ciwmb.ca.gov
Fax: (916) 319-7403
Phone: (916) 341-6376

PUBLIC HEARING

A public hearing to receive comments on the proposed rulemaking will be scheduled for October 29, 2008. The hearing will be held in Room 550 (Fifth Floor) at the Joe Serna, Jr. Cal/EPA Building, 1001 I Street, Sacramento, California. The hearing will begin at 11:00 a.m. and conclude after the public gives all testimony. The CIWMB requests that persons who make oral comments at the hearing submit written copies of their testimony at the hearing. Room 550 is wheelchair accessible.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing Law and Regulation: Public Resources Code section 40502 requires the CIWMB to adopt rules and regulations, as necessary to carry out its duties under Division 30 of the Public Resources Code. Public Resources Code section 43020 requires the CIWMB to adopt and revise regulations, which set forth minimum standards for solid waste handling, transfer, composting, transformation, and disposal.

Existing regulations (27 CCR section 20921) contain the following compliance deadlines for active disposal sites to fully implement a landfill gas monitoring and control program:

- September 21, 2008 for active sites permitted for greater than 20 tons per day.
- September 21, 2009 for active sites permitted for 20 tons per day or less.

The proposed regulations would adjust the compliance deadlines to provide additional time for the submittal of monitoring and control program plans that meet state standards and to specify submittal and implementation timeframes.

PLAIN ENGLISH REQUIREMENTS

CIWMB staff prepared the proposed regulatory changes pursuant to the standard of clarity provided in Government Code §11349 and the plain English requirements of Government Code §§11342.580 and 11346.2(a)(1). The proposed regulations are considered non-technical and can be easily understood by those who will use them.

AUTHORITY AND REFERENCES

PRC §§40502 and 43020 provide authority for this proposed regulation change. The purpose of the proposed regulation is to implement, interpret and make specific PRC §§ 43021 and 43103.

FEDERAL LAW OR REGULATIONS MANDATE

Federal law or regulations do not contain comparable standards.

MANDATE ON STATE AGENCIES, LOCAL AGENCIES, OR SCHOOL DISTRICTS

CIWMB staff has determined that adoption of the proposed regulations will not impose a mandate on local agencies or school districts.

CIWMB staff has further determined that the proposed regulation changes will result in no costs or savings to state agencies, no costs to any local agency or school district that is required to be reimbursed under Part 7 (commencing with §17500) of Division 4 of the Government Code, no other non-discretionary costs or savings imposed on local agencies, and no costs or savings in federal funding to the state.

FINDING ON NECESSITY OF REPORTS

The proposed regulation does not require a report.

EFFECT ON HOUSING COSTS

CIWMB staff made an initial determination that the proposed regulation changes would not have a significant effect on housing costs.

EFFECT ON BUSINESSES

CIWMB staff made an initial determination that the proposed regulation changes would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

CIWMB staff made an initial determination that the proposed regulation changes would not have a statewide adverse economic impact on small businesses including the ability of California businesses to compete with businesses in other states. Due to the capital investment required, few small businesses own/operate solid waste disposal sites. Disposal sites are more likely to be run by local government agencies or large businesses.

EFFECT ON CREATION OR ELIMINATION OF JOBS, EXISTING OR NEW BUSINESS IN THE STATE OF CALIFORNIA

CIWMB staff has determined that the proposed regulatory action will not affect: 1) the creation or elimination of jobs within the State of California; 2) the creation of new or the elimination of existing businesses within California; or 3) the expansion of businesses currently doing business within the state.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

There are no cost impacts known to CIWMB staff that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulations.

CONSIDERATION OF ALTERNATIVES

The CIWMB must determine that no reasonable alternative considered by the CIWMB or that has otherwise been identified and brought to the attention of the CIWMB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The CIWMB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action or the substance of the proposed regulations may be directed to:

Robert Holmes
Waste Compliance and Mitigation Program
California Integrated Waste Management Board
P.O. Box 4025, M.S. 10A-16
Sacramento, CA 95812-4025
e-mail: rholmes@ciwmb.ca.gov
Phone: (916) 341-6376
Fax: (916) 319-7403

Back-up contact person to whom inquiries concerning the proposed administrative action or the substance of the proposed regulations may be directed:

Loan Feher
Waste Compliance and Mitigation Program
California Integrated Waste Management Board
P.O. Box 4025, M.S. 10A-16
Sacramento, CA 95812-4025
e-mail: lfeher@ciwmb.ca.gov
Phone: (916) 341-6666
Fax: (916) 319-7472

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The CIWMB will have the entire rulemaking file and all information upon which the proposed regulations are based available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Robert Holmes at the address, e-mail, or telephone number listed above. For more timely access to the proposed text of the regulations and in the interest of waste prevention, interested parties are encouraged to access the CIWMB's website at <http://www.ciwmb.ca.gov/Rulemaking/GasDeadlines>. Additionally, the final statement of reasons will be available at the above listed Internet address or you may call the contact persons named above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The CIWMB may adopt the proposed regulation changes as described in this notice. If the CIWMB makes modifications which are sufficiently related to the proposed text, it will make the modified text — with changes clearly indicated — available to the public for at least 15 days before the CIWMB adopts the regulations as revised. Requests for the modified text should be made to the contact person. The CIWMB will transmit any modified text to all persons who testify at a pub-

lic hearing if one is held; all persons who submit written comments at a public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes. The CIWMB will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**TITLE 27. OFFICE OF
ENVIRONMENTAL HEALTH HAZARD
ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

NOTICE OF PROPOSED RULEMAKING

**TITLE 27, CALIFORNIA CODE
OF REGULATIONS**

**PROPOSED AMENDMENT OF
SECTION 25204¹
SAFE USE DETERMINATIONS**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986²**

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to amend Title 27, California Code of Regulations, Section 25204³. These amendments would delete existing language in subsection (a) providing that Safe Use Determinations are advisory only and replace it with language providing that the Safe Use Determinations shall have presumptive effect, increase the filing fee for a Safe Use Determination request from \$500.00 to \$1000.00 in subsection (d)(1) to better cover the costs of initial review of the requests, and would create in subsection (g) a time limit of sixty (60) days for submission of additional material requested by OEHHA.

PUBLIC PROCEEDINGS

A public hearing will be held on **November 7, 2008**, at which time any person may present statements or arguments orally or in writing relevant to the action described in this notice. The public hearing will com-

mence at 10:00 in the Coastal Hearing Room, California Environmental Protection Agency Building, 1001 I Street, 2nd Floor, Sacramento, California and will last until all business has been conducted, or until 12:00 noon.

If you have any special accommodation or language needs, please contact Monet Vela at (916) 323-2517 or mvela@oehha.ca.gov by October 3, 2008. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

Any written statements or arguments, regardless of the form or method of transmission, must be received by OEHHA by 5:00 p.m. on November 21, 2008, which is hereby designated as the close of the written comment period.

Written comments regarding this proposed action may be sent by mail or by e-mail addressed to:

Fran Kammerer
Office of Environmental Health Hazard Assessment
P. O. Box 4010
Sacramento, California 95812-4010
Telephone: 916-445-4693
E-mail: fkammerer@oehha.ca.gov

Comments sent by courier should be delivered to:

Fran Kammerer
Office of Environmental Health Hazard Assessment
1001 I Street, 23rd Floor
Sacramento, California, 95814

CONTACT

Inquiries concerning the substance and processing of the action described in this notice may be directed to Fran Kammerer, in writing at the address given above or by telephone at (916) 445-4693. Monet Vela is a back-up contact person for inquiries concerning processing of this action and is available at (916) 323-2517.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The Safe Drinking Water and Toxic Enforcement Act of 1986, commonly known as Proposition 65 (hereinafter referred to as "Proposition 65" or "the Act"), was enacted as a voters' initiative on November 4, 1986, and codified at Health and Safety Code section 25249.5 et seq. The Office of Environmental Health Hazard Assessment, within the California Environmental Protection Agency is the state entity responsible for the implementation of the Act. OEHHA has the authority to promulgate and amend regulations to further the purposes of the Act.⁴ The Act requires businesses to provide a warning when they cause an exposure to a chemical listed as known to cause cancer or reproductive toxicity.

¹ Formerly Title 22, Cal. Code of Regulations, section 12204.

² More commonly known as Proposition 65, codified at Health and Safety Code Section 25249.5 et seq.

³ All further references are to Title 27 of the California Code of Regulations (Formerly Title 22 of the Code), unless otherwise indicated.

The Act also prohibits the discharge of listed chemicals to sources of drinking water. The law and regulations provide exceptions to these requirements in certain circumstances. One way an affected business can determine whether a warning is required for a specific exposure, or whether a discharge of a chemical to a source of drinking water is prohibited, is by asking for a formal opinion from OEHHA.

Section 25204 of the California Code of Regulations, Title 27⁵, is a Proposition 65 regulation that sets out the procedures and criteria for requesting that OEHHA issue a Safe Use Determination (SUD). OEHHA considers these determinations upon the request of persons subject to Proposition 65 who need to know how the warning and discharge prohibitions apply to their business activities. Currently, subsection (a) of section 25204 states that OEHHA's SUDs are advisory only. OEHHA wants to encourage businesses to use the SUD process to resolve the often difficult legal and scientific issues that arise under the law and regulations, rather than wait to have these issues addressed by the courts on a case-by-case basis. Some interested parties have requested that OEHHA's SUDs carry more weight in court so that they are worth the time and expense involved in obtaining one. Therefore, OEHHA is proposing an amendment to Section 25204(a). This amendment will remove the existing language that makes OEHHA's SUDs "advisory only" and instead give OEHHA's determinations presumptive effect in an enforcement proceeding.

Subsection 25204(d)(1) currently establishes a non-refundable processing fee of \$500 to be paid when a SUD request is submitted to the agency. To more accurately reflect the actual minimum cost of the initial processing and review of a SUD request, OEHHA proposes to increase the processing fee to \$1000.00.

Subsection 25204(g) of the Act states that the lead agency or any other state agency may ask for additional information or explanation from the SUD applicant at any time while a request for an accepted SUD is pending. In order to ensure that these requests are responded to in a timely manner, OEHHA proposes a change to the regulation that would add a requirement that any information requested be provided to the agency within 60 days, unless otherwise agreed by the agency.

AUTHORITY

Health and Safety Code section 25249.12.

REFERENCE

Health and Safety Code sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10, and 25249.11.

⁴ Health and Safety Code section 25249.12(a).

⁵ Formerly Title 22, Cal. Code of Regs. section 12204.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts; nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action. Proposition 65 expressly does not apply to federal, state or local governmental agencies (Health and Safety Code section 25249.11(b)).

COSTS OR SAVINGS TO STATE AGENCIES

OEHHA has initially determined that no savings or increased costs to any State agency will result from the proposed regulatory action. Proposition 65 expressly does not apply to federal, state or local governmental agencies (Health and Safety Code section 25249.11(b)).

EFFECT ON FEDERAL FUNDING TO THE STATE

OEHHA has initially determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

EFFECT ON HOUSING COSTS

OEHHA has initially determined that the proposed regulatory action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

OEHHA has made an initial determination that the adoption of the regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed regulation does not impose any new requirements upon private persons or business. No business is required to seek a Safe Use Determination from OEHHA. The process is completely voluntary. In fact, the proposed amendments are intended to provide an affirmative defense, under specified circumstances, to allegations that a person doing business may have violated the Act or related regulations.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS/BUSINESSES

OEHHA has initially determined that the proposed regulatory action will not have any impact on the cre-

ation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. No business is required to seek a Safe Use Determination from OEHHA. The process is completely voluntary.

EFFECT ON SMALL BUSINESSES

OEHHA has determined that the proposed regulatory action will not impose any new or additional requirements on small business. Proposition 65 is limited by its terms to businesses with 10 or more employees (Health and Safety Code sections 25249.5, 25249.6, and 25249.11(b)). No business is required to seek a Safe Use Determination from OEHHA. The process is completely voluntary. The proposed regulation is intended to respond to requests from businesses subject to the Act that OEHHA's SUDs carry more weight in court. The proposed amendments would provide an affirmative defense, under specified circumstances, to allegations that a person doing business may have violated the Act or related regulations.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), OEHHA must determine that no reasonable alternative considered by OEHHA, or that has otherwise been identified and brought to the attention of OEHHA would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the proposed regulations, all the critical information upon which the regulation is based, and the text of the proposed regulations. A copy of the Initial Statement of Reasons and a copy of the text of the proposed regulations are available upon request from Monet Vela at the telephone number indicated above. These documents are also posted on OEHHA's Web site at www.oehha.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on the changed proposed regulations and the full text will be mailed to individuals who testified or submitted oral or written comments at the public hearing, whose comments were received by OEHHA during the public comment period, and who request notification from OEHHA of availability of such change. Copies of the notice and the changed regulation will also be available at the OEHHA's Web Site at www.oehha.ca.gov.

FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from OEHHA's Monet Vela at the telephone number indicated above. The Final Statement of Reasons will also be available at the OEHHA's Web site at www.oehha.ca.gov.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE
STATE TO CAUSE CANCER OR
REPRODUCTIVE TOXICITY
SEPTEMBER 12, 2008

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikeout were placed on the list with the date noted, and have subsequently been removed.

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148-68-5	January 1, 1990
Acetaldehyde	75-07-0	April 1, 1988
Acetamide	60-35-5	January 1, 1990
Acetochlor	34256-82-1	January 1, 1989
2-Acetylaminofluorene	53-96-3	July 1, 1987
Acifluorfen sodium	62476-59-9	January 1, 1990
Acrylamide	79-06-1	January 1, 1990
Acrylonitrile	107-13-1	July 1, 1987
Actinomycin D	50-76-0	October 1, 1989
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688-53-7	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972-60-8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309-00-2	July 1, 1988
Allyl chloride <u>Delisted October 29, 1999</u>	107-05-1	January 1, 1990
2-Aminoanthraquinone	117-79-3	October 1, 1989
p-Aminoazobenzene	60-09-3	January 1, 1990
ortho-Aminoazotoluene	97-56-3	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92-67-1	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109-97-3	July 1, 1989
2-Aminofluorene	153-78-6	January 29, 1999
1-Amino-2-methylantraquinone	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	119-34-6	January 29, 1999
Amitrole	61-82-5	July 1, 1987
Analgesic mixtures containing phenacetin	—	February 27, 1987
Aniline	62-53-3	January 1, 1990
Aniline hydrochloride	142-04-1	May 15, 1998
ortho-Anisidine	90-04-0	July 1, 1987
ortho-Anisidine hydrochloride	134-29-2	July 1, 1987
Antimony oxide (Antimony trioxide)	1309-64-4	October 1, 1990
Anthraquinone	84-65-1	September 28, 2007
Aramite	140-57-8	July 1, 1987
Areca nut	—	February 3, 2006
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332-21-4	February 27, 1987
Auramine	492-80-8	July 1, 1987
Azacitidine	320-67-2	January 1, 1992
Azaserine	115-02-6	July 1, 1987
Azathioprine	446-86-6	February 27, 1987
Azobenzene	103-33-3	January 1, 1990
Benthiavalicarb-isopropyl	177406-68-7	July 1, 2008
Benz[a]anthracene	56-55-3	July 1, 1987
Benzene	71-43-2	February 27, 1987
Benzidine [and its salts]	92-87-5	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205-99-2	July 1, 1987
Benzo[j]fluoranthene	205-82-3	July 1, 1987
Benzo[k]fluoranthene	207-08-9	July 1, 1987
Benzofuran	271-89-6	October 1, 1990

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Benzo[a]pyrene	50-32-8	July 1, 1987
Benzotrichloride	98-07-7	July 1, 1987
Benzyl chloride	100-44-7	January 1, 1990
Benzyl violet 4B	1694-09-3	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
Betel quid without tobacco	—	February 3, 2006
2,2-Bis(bromomethyl)-1,3-propanediol	3296-90-0	May 1, 1996
Bis(2-chloroethyl)ether	111-44-4	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	494-03-1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	154-93-8	July 1, 1987
Bis(chloromethyl)ether	542-88-1	February 27, 1987
Bis(2-chloro-1-methylethyl) ether, technical grade	—	October 29, 1999
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990
Bracken fern	—	January 1, 1990
Bromate	15541-45-4	May 31, 2002
Bromodichloromethane	75-27-4	January 1, 1990
Bromoethane	74-96-4	December 22, 2000
Bromoform	75-25-2	April 1, 1991
1,3-Butadiene	106-99-0	April 1, 1988
1,4-Butanediol dimethanesulfonate (Busulfan)	55-98-1	February 27, 1987
Butylated hydroxyanisole	25013-16-5	January 1, 1990
beta-Butyrolactone	3068-88-0	July 1, 1987
Cacodylic acid	75-60-5	May 1, 1996
Cadmium and cadmium compounds	—	October 1, 1987
Caffeic acid	331-39-5	October 1, 1994
Captafol	2425-06-1	October 1, 1988
Captan	133-06-2	January 1, 1990
Carbazole	86-74-8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	1333-86-4	February 21, 2003
Carbon tetrachloride	56-23-5	October 1, 1987
Carbon-black extracts	—	January 1, 1990
N-Carboxymethyl-N-nitrosourea	60391-92-6	January 25, 2002
Catechol	120-80-9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Certain combined chemotherapy for lymphomas	—	February 27, 1987
Chlorambucil	305-03-3	February 27, 1987
Chloramphenicol	56-75-7	October 1, 1989
Chlordane	57-74-9	July 1, 1988
Chlordecone (Kepone)	143-50-0	January 1, 1988
Chlordimeform	6164-98-3	January 1, 1989
Chlorendic acid	115-28-6	July 1, 1989
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171-26-2	July 1, 1989
p-Chloroaniline	106-47-8	October 1, 1994
p-Chloroaniline hydrochloride	20265-96-7	May 15, 1998
Chlorodibromomethane <u>Delisted October 29, 1999</u>	124-48-1	January 1, 1990
Chloroethane (Ethyl chloride)	75-00-3	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	13010-47-4	January 1, 1988
1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909-09-6	October 1, 1988
Chloroform	67-66-3	October 1, 1987

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Chloromethyl methyl ether (technical grade)	107-30-2	February 27, 1987
3-Chloro-2-methylpropene	563-47-3	July 1, 1989
1-Chloro-4-nitrobenzene	100-00-5	October 29, 1999
4-Chloro-ortho-phenylenediamine	95-83-0	January 1, 1988
p-Chloro-o-toluidine	95-69-2	January 1, 1990
p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998
5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997
Chloroprene	126-99-8	June 2, 2000
Chlorothalonil	1897-45-6	January 1, 1989
Chlorotrianisene	569-57-3	September 1, 1996
Chlorozotocin	54749-90-5	January 1, 1992
Chromium (hexavalent compounds)	—	February 27, 1987
Chrysene	218-01-9	January 1, 1990
C.I. Acid Red 114	6459-94-5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	569-61-9	July 1, 1989
C.I. Direct Blue 15	2429-74-5	August 26, 1997
C.I. Direct Blue 218	28407-37-6	August 26, 1997
C.I. Solvent Yellow 14	842-07-9	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	59865-13-3	January 1, 1992
	79217-60-0	
Cidofovir	113852-37-2	January 29, 1999
Cinnamyl anthranilate	87-29-6	July 1, 1989
Cisplatin	15663-27-1	October 1, 1988
Citrus Red No. 2	6358-53-8	October 1, 1989
Clofibrate	637-07-0	September 1, 1996
Cobalt metal powder	7440-48-4	July 1, 1992
Cobalt [II] oxide	1307-96-6	July 1, 1992
Cobalt sulfate	10124-43-3	May 20, 2005
Cobalt sulfate heptahydrate	10026-24-1	June 2, 2000
Coke oven emissions	—	February 27, 1987
Conjugated estrogens	—	February 27, 1987
Creosotes	—	October 1, 1988
para-Cresidine	120-71-8	January 1, 1988
Cupferron	135-20-6	January 1, 1988
Cycasin	14901-08-7	January 1, 1988
Cyclophosphamide (anhydrous)	50-18-0	February 27, 1987
Cyclophosphamide (hydrated)	6055-19-2	February 27, 1987
Cytembena	21739-91-3	May 15, 1998
D&C Orange No. 17	3468-63-1	July 1, 1990
D&C Red No. 8	2092-56-0	October 1, 1990
D&C Red No. 9	5160-02-1	July 1, 1990
D&C Red No. 19	81-88-9	July 1, 1990
Dacarbazine	4342-03-4	January 1, 1988
Daminozide	1596-84-5	January 1, 1990
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117-10-2	January 1, 1992
Daunomycin	20830-81-3	January 1, 1988
DDD (Dichlorodiphenyldichloroethane)	72-54-8	January 1, 1989
DDE (Dichlorodiphenyldichloroethylene)	72-55-9	January 1, 1989
DDT (Dichlorodiphenyltrichloroethane)	50-29-3	October 1, 1987
DDVP (Dichlorvos)	62-73-7	January 1, 1989
N,N'-Diacetylbenzidine	613-35-4	October 1, 1989
2,4-Diaminoanisole	615-05-4	October 1, 1990
2,4-Diaminoanisole sulfate	39156-41-7	January 1, 1988

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
4,4' -Diaminodiphenyl ether (4,4' -Oxydianiline)	101-80-4	January 1, 1988
2,4-Diaminotoluene	95-80-7	January 1, 1988
Diaminotoluene (mixed)	—	January 1, 1990
Diazoaminobenzene	136-35-6	May 20, 2005
Dibenz[a,h]acridine	226-36-8	January 1, 1988
Dibenz[a,j]acridine	224-42-0	January 1, 1988
Dibenz[a,h]anthracene	53-70-3	January 1, 1988
7H-Dibenzo[c,g]carbazole	194-59-2	January 1, 1988
Dibenzo[a,e]pyrene	192-65-4	January 1, 1988
Dibenzo[a,h]pyrene	189-64-0	January 1, 1988
Dibenzo[a,i]pyrene	189-55-9	January 1, 1988
Dibenzo[a,l]pyrene	191-30-0	January 1, 1988
Dibromoacetic acid	631-64-1	June 17, 2008
1,2-Dibromo-3-chloropropane (DBCP)	96-12-8	July 1, 1987
2,3-Dibromo-1-propanol	96-13-9	October 1, 1994
Dichloroacetic acid	79-43-6	May 1, 1996
p-Dichlorobenzene	106-46-7	January 1, 1989
3,3' -Dichlorobenzidine	91-94-1	October 1, 1987
3,3' -Dichlorobenzidine dihydrochloride	612-83-9	May 15, 1998
1,4-Dichloro-2-butene	764-41-0	January 1, 1990
3,3' -Dichloro-4,4' -diaminodiphenyl ether	28434-86-8	January 1, 1988
1,1-Dichloroethane	75-34-3	January 1, 1990
Dichloromethane (Methylene chloride)	75-09-2	April 1, 1988
1,2-Dichloropropane	78-87-5	January 1, 1990
1,3-Dichloropropene	542-75-6	January 1, 1989
Dieldrin	60-57-1	July 1, 1988
Dienestrol	84-17-3	January 1, 1990
Diepoxybutane	1464-53-5	January 1, 1988
Diesel engine exhaust	—	October 1, 1990
Di(2-ethylhexyl)phthalate	117-81-7	January 1, 1988
1,2-Diethylhydrazine	1615-80-1	January 1, 1988
Diethyl sulfate	64-67-5	January 1, 1988
Diethylstilbestrol (DES)	56-53-1	February 27, 1987
Diglycidyl resorcinol ether (DGRE)	101-90-6	July 1, 1989
Dihydrosafrole	94-58-6	January 1, 1988
Diisopropyl sulfate	2973-10-6	April 1, 1993
3,3' -Dimethoxybenzidine (ortho-Dianisidine)	119-90-4	January 1, 1988
3,3' -Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325-40-0	October 1, 1990
3,3' -Dimethoxybenzidine-based dyes metabolized to 3,3' -dimethoxybenzidine	—	June 11, 2004
3,3' -Dimethylbenzidine-based dyes metabolized to 3,3' -dimethylbenzidine	—	June 11, 2004
Dimethyl sulfate	77-78-1	January 1, 1988
4-Dimethylaminoazobenzene	60-11-7	January 1, 1988
trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	55738-54-0	January 1, 1988
7,12-Dimethylbenz(a)anthracene	57-97-6	January 1, 1990
3,3' -Dimethylbenzidine (ortho-Tolidine)	119-93-7	January 1, 1988
3,3' -Dimethylbenzidine dihydrochloride	612-82-8	April 1, 1992
Dimethylcarbamoyl chloride	79-44-7	January 1, 1988
1,1-Dimethylhydrazine (UDMH)	57-14-7	October 1, 1989
1,2-Dimethylhydrazine	540-73-8	January 1, 1988

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Dimethylvinylchloride	513-37-1	July 1, 1989
3,7-Dinitrofluoranthene	105735-71-5	August 26, 1997
3,9-Dinitrofluoranthene	22506-53-2	August 26, 1997
1,6-Dinitropyrene	42397-64-8	October 1, 1990
1,8-Dinitropyrene	42397-65-9	October 1, 1990
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
2,4-Dinitrotoluene	121-14-2	July 1, 1988
2,6-Dinitrotoluene	606-20-2	July 1, 1995
Di-n-propyl isocinchomeronate (MGK Repellent 326)	136-45-8	May 1, 1996
1,4-Dioxane	123-91-1	January 1, 1988
Diphenylhydantoin (Phenytoin)	57-41-0	January 1, 1988
Diphenylhydantoin (Phenytoin), sodium salt	630-93-3	January 1, 1988
Direct Black 38 (technical grade)	1937-37-7	January 1, 1988
Direct Blue 6 (technical grade)	2602-46-2	January 1, 1988
Direct Brown 95 (technical grade)	16071-86-6	October 1, 1988
Disperse Blue 1	2475-45-8	October 1, 1990
Diuron	330-54-1	May 31, 2002
Doxorubicin hydrochloride (Adriamycin)	25316-40-9	July 1, 1987
Epichlorohydrin	106-89-8	October 1, 1987
Erionite	12510-42-8/ 66733-21-9	October 1, 1988
Estradiol 17B	50-28-2	January 1, 1988
Estragole	140-67-0	October 29, 1999
Estrogens, steroidal	—	August 19, 2005
Estrone	53-16-7	January 1, 1988
Estropipate	7280-37-7	August 26, 1997
Ethinylestradiol	57-63-6	January 1, 1988
Ethoprop	13194-48-4	February 27, 2001
Ethyl acrylate	140-88-5	July 1, 1989
Ethylbenzene	100-41-4	June 11, 2004
Ethyl methanesulfonate	62-50-0	January 1, 1988
Ethyl-4,4'-dichlorobenzilate	510-15-6	January 1, 1990
Ethylene dibromide	106-93-4	July 1, 1987
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	October 1, 1987
Ethylene oxide	75-21-8	July 1, 1987
Ethylene thiourea	96-45-7	January 1, 1988
Ethyleneimine	151-56-4	January 1, 1988
Fenoxycarb	72490-01-8	June 2, 2000
Folpet	133-07-3	January 1, 1989
Formaldehyde (gas)	50-00-0	January 1, 1988
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570-75-0	January 1, 1988
FumonisinB ₁	116355-83-0	November 14, 2003
Furan	110-00-9	October 1, 1993
Furazolidone	67-45-8	January 1, 1990
Furmecyclox	60568-05-0	January 1, 1990
Fusarin C	79748-81-5	July 1, 1995
Gallium arsenide	1303-00-0	August 1, 2008
Ganciclovir	82410-32-0	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Gemfibrozil	25812-30-0	December 22, 2000
Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990
Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730-11-4	January 1, 1990

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Glu-P-2 (2-Aminodipyrdo[1,2-a:3',2'-d]imidazole)	67730-10-3	January 1, 1990
Glycidaldehyde	765-34-4	January 1, 1988
Glycidol	556-52-5	July 1, 1990
Griseofulvin	126-07-8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568-02-8	January 1, 1988
HC Blue 1	2784-94-3	July 1, 1989
Heptachlor	76-44-8	July 1, 1988
Heptachlor epoxide	1024-57-3	July 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004
Hexachlorobenzene	118-74-1	October 1, 1987
Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Hexachlorodibenzodioxin	34465-46-8	April 1, 1988
Hexachloroethane	67-72-1	July 1, 1990
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005
Hexamethylphosphoramide	680-31-9	January 1, 1988
Hydrazine	302-01-2	January 1, 1988
Hydrazine sulfate	10034-93-2	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122-66-7	January 1, 1988
1-Hydroxyanthraquinone	129-43-1	May 27, 2005
Indeno [1,2,3-cd]pyrene	193-39-5	January 1, 1988
Indium phosphide	22398-80-7	February 27, 2001
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180-96-6	April 1, 1990
Iprodione	36734-19-7	May 1, 1996
Iprovalicarb	140923-17-7	June 1, 2007
	140923-25-7	
Iron dextran complex	9004-66-4	January 1, 1988
Isobutyl nitrite	542-56-3	May 1, 1996
Isoprene	78-79-5	May 1, 1996
Isosafrole <u>Delisted December 8, 2006</u>	120-58-1	October 1, 1989
Isoxaflutole	141112-29-0	December 22, 2000
Lactofen	77501-63-4	January 1, 1989
Lasiocarpine	303-34-4	April 1, 1988
Lead acetate	301-04-2	January 1, 1988
Lead and lead compounds	—	October 1, 1992
Lead phosphate	7446-27-7	April 1, 1988
Lead subacetate	1335-32-6	October 1, 1989
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Lynestrenol	52-76-6	February 27, 2001
Mancozeb	8018-01-7	January 1, 1990
Maneb	12427-38-2	January 1, 1990
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006-83-7	January 1, 1990
Medroxyprogesterone acetate	71-58-9	January 1, 1990
MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094-11-2	October 1, 1994
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500-04-0	October 1, 1994
Melphalan	148-82-3	February 27, 1987
Mepanipyridin	110235-47-7	July 1, 2008
Merphalan	531-76-0	April 1, 1988
Mestranol	72-33-3	April 1, 1988
Metham sodium	137-42-8	November 6, 1998
8-Methoxypsoralen with ultraviolet A therapy	298-81-7	February 27, 1987
5-Methoxypsoralen with ultraviolet A therapy	484-20-8	October 1, 1988
2-Methylaziridine (Propyleneimine)	75-55-8	January 1, 1988
Methylazoxymethanol	590-96-5	April 1, 1988

<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
Methylazoxymethanol acetate	592-62-1	April 1, 1988
Methyl carbamate	598-55-0	May 15, 1998
3-Methylcholanthrene	56-49-5	January 1, 1990
5-Methylchrysene	3697-24-3	April 1, 1988
4,4' -Methylene bis(2-chloroaniline)	101-14-4	July 1, 1987
4,4' -Methylene bis(N,N-dimethyl)benzenamine	101-61-1	October 1, 1989
4,4' -Methylene bis(2-methylaniline)	838-88-0	April 1, 1988
4,4' -Methylenedianiline	101-77-9	January 1, 1988
4,4' -Methylenedianiline dihydrochloride	13552-44-8	January 1, 1988
Methyleugenol	93-15-2	November 16, 2001
Methylhydrazine and its salts	—	July 1, 1992
Methyl iodide	74-88-4	April 1, 1988
Methylmercury compounds	—	May 1, 1996
Methyl methanesulfonate	66-27-3	April 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129-15-7	April 1, 1988
N-Methyl-N' -nitro-N-nitrosoguanidine	70-25-7	April 1, 1988
N-Methylolacrylamide	924-42-5	July 1, 1990
Methylthiouracil	56-04-2	October 1, 1989
Metiram	9006-42-2	January 1, 1990
Metronidazole	443-48-1	January 1, 1988
Michler's ketone	90-94-8	January 1, 1988
Mirex	2385-85-5	January 1, 1988
Mitomycin C	50-07-7	April 1, 1988
Monocrotaline	315-22-0	April 1, 1988
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone	139-91-3	April 1, 1988
Mustard Gas	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	77439-76-0	December 22, 2000
Nafenopin	3771-19-5	April 1, 1988
Nalidixic acid	389-08-2	May 15, 1998
Naphthalene	91-20-3	April 19, 2002
1-Naphthylamine	134-32-7	October 1, 1989
2-Naphthylamine	91-59-8	February 27, 1987
Nickel (Metallic)	7440-02-0	October 1, 1989
Nickel acetate	373-02-4	October 1, 1989
Nickel carbonate	3333-67-3	October 1, 1989
Nickel carbonyl	13463-39-3	October 1, 1987
Nickel compounds	—	May 7, 2004
Nickel hydroxide	12054-48-7;	October 1, 1989
	12125-56-3	
Nickelocene	1271-28-9	October 1, 1989
Nickel oxide	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
Nickel subsulfide	12035-72-2	October 1, 1987
Niridazole	61-57-4	April 1, 1988
Nitrapyrin	1929-82-4	October 5, 2005
Nitrilotriacetic acid	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	18662-53-8	April 1, 1989
5-Nitroacenaphthene	602-87-9	April 1, 1988
5-Nitro-o-anisidine <u>Delisted December 8, 2006</u>	99-59-2	October 1, 1989
o-Nitroanisole	91-23-6	October 1, 1992
Nitrobenzene	98-95-3	August 26, 1997
4-Nitrobiphenyl	92-93-3	April 1, 1988

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
6-Nitrochrysene	7496-02-8	October 1, 1990
Nitrofen (technical grade)	1836-75-5	January 1, 1988
2-Nitrofluorene	607-57-8	October 1, 1990
Nitrofurazone	59-87-0	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555-84-0	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531-82-8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51-75-2	January 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55-86-7	April 1, 1988
Nitrogen mustard N-oxide	126-85-2	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	302-70-5	April 1, 1988
Nitromethane	75-52-5	May 1, 1997
2-Nitropropane	79-46-9	January 1, 1988
1-Nitropyrene	5522-43-0	October 1, 1990
4-Nitropyrene	57835-92-4	October 1, 1990
N-Nitrosodi-n-butylamine	924-16-3	October 1, 1987
N-Nitrosodiethanolamine	1116-54-7	January 1, 1988
N-Nitrosodiethylamine	55-18-5	October 1, 1987
N-Nitrosodimethylamine	62-75-9	October 1, 1987
p-Nitrosodiphenylamine	156-10-5	January 1, 1988
N-Nitrosodiphenylamine	86-30-6	April 1, 1988
N-Nitrosodi-n-propylamine	621-64-7	January 1, 1988
N-Nitroso-N-ethylurea	759-73-9	October 1, 1987
3-(N-Nitrosomethylamino)propionitrile	60153-49-3	April 1, 1990
4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091-91-4	April 1, 1990
N-Nitrosomethylethylamine	10595-95-6	October 1, 1989
N-Nitroso-N-methylurea	684-93-5	October 1, 1987
N-Nitroso-N-methylurethane	615-53-2	April 1, 1988
N-Nitrosomethylvinylamine	4549-40-0	January 1, 1988
N-Nitrosomorpholine	59-89-2	January 1, 1988
N-Nitrosornicotine	16543-55-8	January 1, 1988
N-Nitrosopiperidine	100-75-4	January 1, 1988
N-Nitrosopyrrolidine	930-55-2	October 1, 1987
N-Nitrososarcosine	13256-22-9	January 1, 1988
o-Nitrotoluene	88-72-2	May 15, 1998
Norethisterone (Norethindrone)	68-22-4	October 1, 1989
Norethynodrel	68-23-5	February 27, 2001
Ochratoxin A	303-47-9	July 1, 1990
Oil Orange SS	2646-17-5	April 1, 1988
Oral contraceptives, combined	—	October 1, 1989
Oral contraceptives, sequential	—	October 1, 1989
<u>Oryzalin</u>	<u>19044-88-3</u>	<u>September 12, 2008</u>
Oxadiazon	19666-30-9	July 1, 1991
Oxazepam	604-75-1	October 1, 1994
Oxymetholone	434-07-1	January 1, 1988
Oxythioquinox (Chinomethionat)	2439-01-2	August 20, 1999
Palygorskite fibers (> 5µm in length)	12174-11-7	December 28, 1999
Panfuran S	794-93-4	January 1, 1988
Pentachlorophenol	87-86-5	January 1, 1990
Phenacetin	62-44-2	October 1, 1989
Phenazopyridine	94-78-0	January 1, 1988
Phenazopyridine hydrochloride	136-40-3	January 1, 1988
Phenesterin	3546-10-9	July 1, 1989
Phenobarbital	50-06-6	January 1, 1990

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Phenolphthalein	77-09-8	May 15, 1998
Phenoxybenzamine	59-96-1	April 1, 1988
Phenoxybenzamine hydrochloride	63-92-3	April 1, 1988
o-Phenylenediamine and its salts	95-54-5	May 15, 1998
Phenyl glycidyl ether	122-60-1	October 1, 1990
Phenylhydrazine and its salts	—	July 1, 1992
o-Phenylphenate, sodium	132-27-4	January 1, 1990
o-Phenylphenol	90-43-7	August 4, 2000
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650-23-5	October 1, 1994
Polybrominated biphenyls	—	January 1, 1988
Polychlorinated biphenyls	—	October 1, 1989
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
Polychlorinated dibenzo-p-dioxins	—	October 1, 1992
Polychlorinated dibenzofurans	—	October 1, 1992
Polygeenan	53973-98-1	January 1, 1988
Ponceau MX	3761-53-3	April 1, 1988
Ponceau 3R	3564-09-8	April 1, 1988
Potassium bromate	7758-01-2	January 1, 1990
Pirimicarb	23103-98-2	July 1, 2008
Primidone	125-33-7	August 20, 1999
Procarbazine	671-16-9	January 1, 1988
Procarbazine hydrochloride	366-70-1	January 1, 1988
Procymidone	32809-16-8	October 1, 1994
Progesterone	57-83-0	January 1, 1988
Pronamide	23950-58-5	May 1, 1996
Propachlor	1918-16-7	February 27, 2001
1,3-Propane sultone	1120-71-4	January 1, 1988
Propargite	2312-35-8	October 1, 1994
beta-Propiolactone	57-57-8	January 1, 1988
Propoxur	114-26-1	August 11, 2006
Propylene glycol mono-t-butyl ether	57018-52-7	June 11, 2004
Propylene oxide	75-56-9	October 1, 1988
Propylthiouracil	51-52-5	January 1, 1988
Pyridine	110-86-1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50-55-5	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Resmethrin	10453-86-8	July 1, 2008
Riddelliine	23246-96-0	December 3, 2004
Saccharin <u>Delisted April 6, 2001</u>	81-07-2	October 1, 1989
Saccharin, sodium <u>Delisted January 17, 2003</u>	128-44-9	January 1, 1988
Safrole	94-59-7	January 1, 1988
Selenium sulfide	7446-34-6	October 1, 1989
Shale-oils	68308-34-9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spironolactone	52-01-7	May 1, 1997
Stanozolol	10418-03-8	May 1, 1997
Sterigmatocystin	10048-13-2	April 1, 1988

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Streptozotocin (streptozocin)	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene oxide	96-09-3	October 1, 1988
Sulfallate	95-06-7	January 1, 1988
Sulfasalazine (Salicylazosulfapyridine)	599-79-1	May 15, 1998
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540-29-1	September 1, 1996
Terrazole	2593-15-9	October 1, 1994
Testosterone and its esters	58-22-0	April 1, 1988
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746-01-6	January 1, 1988
1,1,2,2-Tetrachloroethane	79-34-5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127-18-4	April 1, 1988
p-a,a,a-Tetrachlorotoluene	5216-25-1	January 1, 1990
Tetrafluoroethylene	116-14-3	May 1, 1997
Tetranitromethane	509-14-8	July 1, 1990
Thioacetamide	62-55-5	January 1, 1988
4,4'-Thiodianiline	139-65-1	April 1, 1988
Thiodicarb	59669-26-0	August 20, 1999
Thiouracil	141-90-2	June 11, 2004
Thiourea	62-56-6	January 1, 1988
Thorium dioxide	1314-20-1	February 27, 1987
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471-62-5	October 1, 1989
ortho-Toluidine	95-53-4	January 1, 1988
ortho-Toluidine hydrochloride	636-21-5	January 1, 1988
para-Toluidine <u>Delisted October 29, 1999</u>	106-49-0	January 1, 1990
Toxaphene (Polychlorinated camphenes)	8001-35-2	January 1, 1988
Treosulfan	299-75-2	February 27, 1987
Trichlormethine (Trimustine hydrochloride)	817-09-4	January 1, 1992
Trichloroethylene	79-01-6	April 1, 1988
2,4,6-Trichlorophenol	88-06-2	January 1, 1988
1,2,3-Trichloropropane	96-18-4	October 1, 1992
Trimethyl phosphate	512-56-1	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
Triphenyltin hydroxide	76-87-9	July 1, 1992
Tris(aziridiny)l-para-benzoquinone (Triaziquone) <u>Delisted December 8, 2006</u>	68-76-8	October 1, 1989
Tris(1-aziridiny)lphosphine sulfide (Thiotepa)	52-24-4	January 1, 1988
Tris(2-chloroethyl) phosphate	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126-72-7	January 1, 1988
Trp-P-1 (Tryptophan-P-1)	62450-06-0	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	72-57-1	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66-75-1	April 1, 1988
Urethane (Ethyl carbamate)	51-79-6	January 1, 1988
Vanadium pentoxide (orthorhombic crystalline form)	1314-62-1	February 11, 2005
Vinclozolin	50471-44-8	August 20, 1999
Vinyl bromide	593-60-2	October 1, 1988
Vinyl chloride	75-01-4	February 27, 1987
4-Vinylcyclohexene	100-40-3	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106-87-6	July 1, 1990

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Vinyl fluoride	75-02-5	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79-00-5	October 1, 1990
2,6-Xylidine (2,6-Dimethylaniline)	87-62-7	January 1, 1991
Zileuton	111406-87-2	December 22, 2000
<u>Zineb Delisted October 29, 1999</u>	<u>12122-67-7</u>	<u>January 1, 1990</u>

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CASNo.</u>	<u>Date Listed</u>
Acetazolamide	developmental	59-66-5	August 20, 1999
Acetohydroxamic acid	developmental	546-88-3	April 1, 1990
Actinomycin D	developmental	50-76-0	October 1, 1992
All-trans retinoic acid	developmental	302-79-4	January 1, 1989
Alprazolam	developmental	28981-97-7	July 1, 1990
Altretamine	developmental, male	645-05-6	August 20, 1999
Amantadine hydrochloride	developmental	665-66-7	February 27, 2001
Amikacin sulfate	developmental	39831-55-5	July 1, 1990
Aminogluthethimide	developmental	125-84-8	July 1, 1990
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54-62-6	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774-82-4	August 26, 1997
Amitraz	developmental	33089-61-1	March 30, 1999
Amoxapine	developmental	14028-44-5	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117-37-3	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50-78-2	July 1, 1990
Atenolol	developmental	29122-68-7	August 26, 1997
Auranofin	developmental	34031-32-8	January 29, 1999
Azathioprine	developmental	446-86-6	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benzene	developmental, male	71-43-2	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154-93-8	July 1, 1990
Bromacil lithium salt	developmental male	53404-19-6	May 18, 1999 January 17, 2003
1-Bromopropane	developmental, female, male	106-94-5	December 7, 2004
2-Bromopropane	female, male	75-26-3	May 31, 2005
Bromoxynil	developmental	1689-84-5	October 1, 1990

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Bromoxynil octanoate	developmental	1689-99-2	May 18, 1999
Butabarbital sodium	developmental	143-81-7	October 1, 1992
1,3-Butadiene	developmental, female, male	106-99-0	April 16, 2004
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55-98-1	January 1, 1989
Butyl benzyl phthalate (BBP)	developmental	85-68-7	December 2, 2005
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298-46-4	January 29, 1999
Carbon disulfide	developmental, female, male	75-15-0	July 1, 1989
Carbon monoxide	developmental	630-08-0	July 1, 1989
Carboplatin	developmental	41575-94-4	July 1, 1990
Chenodiol	developmental	474-25-9	April 1, 1990
Chlorambucil	developmental	305-03-3	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620-21-9	July 1, 1987
Chlordecone (Kepone)	developmental	143-50-0	January 1, 1989
Chlordiazepoxide	developmental	58-25-3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438-41-5	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1- nitrosourea (CCNU) (Lomustine)	developmental	13010-47-4	July 1, 1990
Chlorsulfuron	developmental, female, male	64902-72-3	May 14, 1999
Cidofovir	developmental, female, male	113852-37-2	January 29, 1999
Cladribine	developmental	4291-63-8	September 1, 1996
Clarithromycin	developmental	81103-11-9	May 1, 1997
Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clomiphene citrate	developmental	50-41-9	April 1, 1990
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cocaine	developmental, female	50-36-2	July 1, 1989
Codeine phosphate	developmental	52-28-8	May 15, 1998
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycloate	developmental	1134-23-2	March 19, 1999
Cyclohexanol	male	108-93-0	November 6, 1998
<u>Delisted January 25, 2002</u>			
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989
Cyclophosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Dacarbazine	developmental	4342-03-4	January 29, 1989
Danazol	developmental	17230-88-5	April 1, 1990
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990
2,4-D butyric acid	developmental, male	94-82-6	June 18, 1999
o,p' -DDT	developmental, female, male	789-02-6	May 15, 1998
p,p' -DDT	developmental, female, male	50-29-3	May 15, 1998
2,4DP (dichloroprop)	developmental	120-36-5	April 27, 1999
<u>Delisted January 25, 2002</u>			
Demeclocycline hydrochloride (internal use)	developmental	64-73-3	January 1, 1992
Diazepam	developmental	439-14-5	January 1, 1992
Diazoxide	developmental	364-98-7	February 27, 2001

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
Di- <i>n</i> -butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Dichlorophene	developmental	97-23-4	April 27, 1999
Dichlorophenamide	developmental	120-97-8	February 27, 2001
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diflunisal	developmental, female	22494-42-4	January 29, 1999
Di- <i>n</i> -hexyl phthalate (DnHP)	female, male	84-75-3	December 2, 2005
Dihydroergotamine mesylate	developmental	6190-39-2	May 1, 1997
Di-isodecyl phthalate (DIDP)	developmental	68515-49-1/ 26761-40-0	April 20, 2007
Diltiazem hydrochloride	developmental	33286-22-5	February 27, 2001
<i>m</i> -Dinitrobenzene	male	99-65-0	July 1, 1990
<i>o</i> -Dinitrobenzene	male	528-29-0	July 1, 1990
<i>p</i> -Dinitrobenzene	male	100-25-4	July 1, 1990
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Disodium cyanodithioimidocarbonate	developmental	138-93-2	March 30, 1999
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
Endrin	developmental	72-20-8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Epichlorohydrin	male	106-89-8	September 1, 1996
Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Estropipate	developmental	7280-37-7	August 26, 1997
Ethionamide	developmental	536-33-4	August 26, 1997
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993
Ethylene oxide	female	75-21-8	February 27, 1987
Ethylene thiourea	developmental	96-45-7	January 1, 1993
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	developmental	33419-42-0	July 1, 1990
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999
Filgrastim	developmental	121181-53-1	February 27, 2001

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Fluazifop butyl	developmental	69806-50-4	November 6, 1998
Flunisolide	developmental, female	3385-03-3	May 15, 1998
Fluorouracil	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1998
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992
Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
Flutamide	developmental	13311-84-7	July 1, 1990
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998
Ganciclovir	developmental, male	82410-32-0	August 26, 1997
Ganciclovir sodium	developmental, male	107910-75-8	August 26, 1997
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999
Haloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
Heptachlor	developmental	76-44-8	August 20, 1999
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexafluoroacetone	male	684-16-2	August 1, 2008
Hexamethylphosphoramide	male	680-31-9	October 1, 1994
Histrelin acetate	developmental	—	May 15, 1998
Hydramethylnon	developmental, male	67485-29-4	March 5, 1999
Hydroxyurea	developmental	127-07-1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852-57-0	August 20, 1999
Ifosfamide	developmental	3778-73-2	July 1, 1990
Iodine-131	developmental	10043-66-0	January 1, 1989
Isotretinoin	developmental	4759-48-2	July 1, 1987
Lead	developmental, female, male	—	February 27, 1987
Leuprolide acetate	developmental, female, male	74381-53-6	August 26, 1997
Levodopa	developmental	59-92-7	January 29, 1999
Levonorgestrel implants	female	797-63-7	May 15, 1998
Linuron	developmental	330-55-2	March 19, 1999
Lithium carbonate	developmental	554-13-2	January 1, 1991
Lithium citrate	developmental	919-16-4	January 1, 1991
Lorazepam	developmental	846-49-1	July 1, 1990
Lovastatin	developmental	75330-75-5	October 1, 1992
Mebendazole	developmental	31431-39-7	August 20, 1999
Medroxyprogesterone acetate	developmental	71-58-9	April 1, 1990
Megestrol acetate	developmental	595-33-5	January 1, 1991
Melphalan	developmental	148-82-3	July 1, 1990
Menotropins	developmental	9002-68-0	April 1, 1990
Meprobamate	developmental	57-53-4	January 1, 1992
Mercaptopurine	developmental	6112-76-1	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990
Methacycline hydrochloride	developmental	3963-95-9	January 1, 1991
Metham sodium	developmental	137-42-8	May 15, 1998
Methazole	developmental	20354-26-1	December 1, 1999
Methimazole	developmental	60-56-0	July 1, 1990
Methotrexate	developmental	59-05-2	January 1, 1989
Methotrexate sodium	developmental	15475-56-6	April 1, 1990

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Methyl bromide as a structural fumigant	developmental	74-83-9	January 1, 1993
Methyl chloride	developmental	74-87-3	March 10, 2000
Methyl mercury	developmental	—	July 1, 1987
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
Methyltestosterone	developmental	58-18-4	April 1, 1990
Metiram	developmental	9006-42-2	March 30, 1999
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel carbonyl	developmental	13463-39-3	September 1, 1996
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999
Nimodipine	developmental	66085-59-4	April 24, 2001
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrofurantoin	male	67-20-9	April 1, 1991
Nitrogen mustard (Mechlorethamine)	developmental	51-75-2	January 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Nitrous oxide	developmental	10024-97-2	August 1, 2008
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51-98-9	October 1, 1991
Norethisterone (Norethindrone) /Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990
Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norgestrel	developmental	6533-00-2	April 1, 1990
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	developmental	604-75-1	October 1, 1992
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	developmental	434-07-1	May 1, 1997
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058-46-0	October 1, 1991
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	November 6, 1998
Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Paramethadione	developmental	115-67-3	July 1, 1990
Penicillamine	developmental	52-67-5	January 1, 1991
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentostatin	developmental	53910-25-1	September 1, 1996
Phenacemide	developmental	63-98-9	July 1, 1990
Phenprocoumon	developmental	435-97-2	October 1, 1992
Pimozide	developmental, female	2062-78-4	August 20, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Pipobroman	developmental	54-91-1	July 1, 1990
Plicamycin	developmental	18378-89-7	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999
Procarbazine hydrochloride	developmental	366-70-1	July 1, 1990
Propargite	developmental	2312-35-8	June 15, 1999
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pyrimethamine	developmental	58-14-0	January 29, 1999
Quazepam	developmental	36735-22-5	August 26, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental	36791-04-5	April 1, 1990
	male	36791-04-5	February 27, 2001
Rifampin	developmental, female	13292-46-1	February 27, 2001
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Sulfasalazine (Salicylazosulfapyridine)	male	599-79-1	January 29, 1999
Sulindac	developmental, female	38194-50-2	January 29, 1999
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996
Terbacil	developmental	5902-51-2	May 18, 1999
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
Thalidomide	developmental	50-35-1	July 1, 1987
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Toluene	developmental	108-88-3	January 1, 1991
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triazolam	developmental	28911-01-5	April 1, 1990
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
Trientine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999
Trilostane	developmental	13647-35-3	April 1, 1990
Trimethadione	developmental	127-48-0	January 1, 1991
Trimetrexate glucuronate	developmental	82952-64-5	August 26, 1997
Triphenyltin hydroxide	developmental	76-87-9	March 18, 2002
Uracil mustard	developmental, female, male	66-75-1	January 1, 199
Urethane	developmental	51-79-6	October 1, 1994
Urofollitropin	developmental	97048-13-0	April 1, 1990
Valproate (Valproic acid)	developmental	99-66-1	July 1, 1987
Vinblastine sulfate	developmental	143-67-9	July 1, 1990
Vinclozolin	developmental	50471-44-8	May 15, 1998
Vincristine sulfate	developmental	2068-78-2	July 1, 1990
Vinyl cyclohexene dioxide (4-Vinyl-1-cyclohexene diepoxide)	female, male	106-87-6	August 1, 2008
Warfarin	developmental	81-81-2	July 1, 1987
Zileuton	developmental, female	111406-87-2	December 22, 2000

Date: September 12, 2008

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(Proposition 65)**

**NOTICE TO INTERESTED PARTIES
September 12, 2008**

**CHEMICAL LISTED EFFECTIVE
September 12, 2008
AS KNOWN TO THE STATE OF CALIFORNIA
TO CAUSE CANCER**

The Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency is adding *oryzalin* (CAS No. 19044-88-3) to the list of chemicals known to the state to cause cancer for purposes of the Safe Drinking Water

and Toxic Enforcement Act of 1986 (Health and Safety Code section 25249.5 et seq., commonly known as Proposition 65). The listing of *oryzalin* is effective **September 12, 2008**.

Oryzalin (CAS No. 19044-88-3) is being listed as a chemical known to the State of California to cause cancer. The listing of this chemical is based on formal identification by an authoritative body (i.e., the U.S. Environmental Protection Agency (U.S. EPA)), that the chemical causes cancer. The criteria used by OEHHA for the listing of chemicals under the "authoritative bodies" mechanism can be found in Title 27, Cal. Code of Regs., section 25306 (formerly Title 22, Cal. Code of Regs., section 12306).

The reader is directed to the Notice of Intent to List *Oryzalin* (CAS No. 19044-88-3) published in the July 11, 2008 issue of the *California Regulatory Notice Register* (Register 2008, No. 28-Z) for the documentation supporting OEHHA's determination that the criteria for administrative listing have been satisfied for this chemical.

OEHHA analysis of dose-response data to establish the no significant risk level (NSRL) for *oryzalin* (CAS No. 19044-88-3) under Proposition 65 has not yet been conducted. The priority status for the development of

such analysis will be announced in a future OEHHA *Proposition 65 Status Report for Safe Harbor Levels*, available at <http://www.oehha.ca.gov/prop65.html>.

A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register*.

Chemical	CASNo.	Toxicological Endpoint	Listing Mechanism ¹
Oryzalin	19044-88-3	cancer	AB

¹ Listing mechanism: AB — “authoritative bodies” mechanism (Title 27, Cal. Code of Regs. section 25306).

OAL REGULATORY DETERMINATIONS

OFFICE OF ADMINISTRATIVE LAW

DETERMINATION OF ALLEGED UNDERGROUND REGULATIONS

(Pursuant to Government Code
Section 11340.5 and
Title 1, section 270, of the
California Code of Regulations)

DEPARTMENT OF MENTAL HEALTH

STATE OF CALIFORNIA

OFFICE OF ADMINISTRATIVE LAW

2008 OAL DETERMINATION NO. 23
(OAL FILE # CTU 2008-0314-01)

REQUESTED BY: Michael St. Martin
CONCERNING: Administrative Directive 818 concerning contraband issued by Coalinga State Hospital, Department of Mental Health.

Determination Issued Pursuant
to Government Code Section
11340.5.

SCOPE OF REVIEW

A determination by the Office of Administrative Law (OAL) evaluates whether or not an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment.

Our review is limited to the sole issue of whether the challenged rule meets the definition of a “regulation” as defined in Government Code section 11342.600¹ and is subject to the Administrative Procedure Act (APA). If a rule meets the definition of a “regulation,” but was not adopted pursuant to the APA and should have been, it is an “underground regulation” as defined in California Code of Regulations, title 1, section 250.² OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

ISSUE

On March 14, 2008, Mr. St. Martin (Petitioner) submitted a petition to OAL challenging Administrative Directive 818 (AD 818) issued by Coalinga State Hospital (CSH), a state hospital under the jurisdiction of the Department of Mental Health (Department). AD 818 is titled “Contraband” and includes lists of items which patients at CSH may not possess in various specified areas of CSH.³ The Petitioner alleges that AD 818 meets the definition of a “regulation” and should have been adopted pursuant to the APA.

DETERMINATION

OAL determines that AD 818 meets the definition of a “regulation” as defined in Government Code section 11342.600 and should have been adopted pursuant to the APA.

¹ Government Code section 11342.600 states:

“Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

² California Code of Regulations, title 1, section 250, subdivision (a) defines “underground regulation:”

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

³ A copy of AD 818 is included as Exhibit 1.

FACTUAL BACKGROUND

CSH is a state mental health hospital, under the jurisdiction of the Department.⁴ CSH, like other state mental hospitals, has limited authority to act as an independent entity. The responsibility of governing all state mental hospitals lies with the Department. Welfare and Institutions Code section 4101 provides that:

. . . all of the institutions under the jurisdiction of the State Department of Mental Health shall be governed by uniform rule and regulation of the State Department of Mental Health. . . .

The patients in CSH are “non-LPS” patients, that is, patients who are placed in or committed to CSH pursuant to legal authority *other than* the Lanterman–Petrus–Short (LPS) Act,⁵ commencing with Section 5000, of Part 1, Division 5 of the Welfare and Institutions Code. For example, Welfare and Institutions Code section 6600 and following, the Sexually Violent Predator Law, provides that inmates of the Department of Corrections and Rehabilitation who are found by a court to be sexually violent predators are committed as a patient of the Department. The Department places the patient in an appropriate facility.⁶

On July 12, 2007, the Acting Executive Director of CSH, Ben McLain, issued AD 818. AD 818 states that the purpose of the directive is to:

. . . provide staff, individuals and all others the information as to what items will not be permitted, or shall have restrictions placed upon their use or possession within the confines of Coalinga State Hospital (CSH). A secondary purpose is to provide a means for amending these listings and to ensure that this information is readily available.

AD 818 establishes five categories of contraband:

- Class 1, Items not allowed on hospital grounds.
- Class 2, Items not allowed inside security.

⁴ Welfare and Institutions Code section 4100 states:

The department [of Mental Health] has jurisdiction over the following institutions: . . . (b) Coalinga State Hospital. . . .

⁵ Pursuant to Welfare and Institutions Code section 5001, the Lanterman–Petrus–Short Act provides for care for mentally disordered persons, developmentally disabled persons, and persons impaired by chronic alcoholism. CSH does not have an LPS population. According to the Department’s website (http://www.dmh.ca.gov/Services_and_Programs/State_Hospitals/Coalinga/Director.asp, viewed on August 21, 2008), CSH is described as a maximum–secured forensic facility that holds both sexually violent predators and mentally ill inmates from the California Department of Corrections and Rehabilitation.

⁶ Welfare and Institutions Code section 6604 states:

. . . If the court or jury determines that the person is a sexually violent predator, the person shall be committed for an indeterminate term to the custody of the State Department of Mental Health for appropriate treatment and confinement in a secure facility designated by the Director of Mental Health.

- Class 3, Items not allowed in individuals’ possession.
- Class 4, Supervised items.
- Class 5, Controlled items.

AD 818 details how contraband is to be disposed of, the process for establishing and amending the list of contraband items, steps to be taken when visitors bring items to the hospital, the responsibilities of employees in dealing with contraband items, and how contraband items will be controlled.

AD 818 includes Attachment A, revised July 9, 2007, which is a comprehensive list of contraband items for each of the five classes. For example:

- Class 1 includes illegal drugs, explosives and firearms.
- Class 2 includes chemical dispensing control devices (mace, pepper spray, etc.), chewing gum, metal combs, fountain pens, balloons and newspapers.
- Class 3 includes luggage, cigarette lighters, herbal teas, keys, certain legal documents, make–up, sexually explicit or provocative images, maps of the local area, mirrors, rubber bands and Styrofoam.
- Class 4 includes items which may be used only under direct supervision of a staff member, such as aerosol dispensers, drawing compasses, dental floss, and sandpaper.
- Class 5 includes denture cleaner, die, musical instruments, tape of any kind, fingernail clippers, and electrical appliances and their cords.

On June 16, 2008, OAL received a response from the Department. The Department argues that AD 818 does not meet the definition of a regulation for the following reasons:

1. AD 818 is not a regulation. Instead, the AD is a guide of what items would be considered contraband for the specific facility. AD 818 does not apply generally and does not “implement, interpret, or make specific” any statute.
2. AD 818 provides for safety and security.
3. AD 818 is exempt from the requirements of the APA.
4. The issuance of AD 818 is similar to a “local rule” issued by a state prison and exempted from the APA by Penal Code section 5058.

OAL received several comments from the public. The commenters agreed with the Petitioner that AD 818 meets the definition of regulation and should be adopted pursuant to the APA.

On June 27, 2008, OAL received a rebuttal to the Department’s response. The rebuttal does not raise additional issues relevant to this determination.

UNDERGROUND REGULATIONS

ANALYSIS

Government Code section 11340.5, subdivision (a), prohibits state agencies from issuing rules unless the rules comply with the APA:

(a) No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of Government Code section 11340.5 it creates an underground regulation as defined in title 1, California Code of Regulations, section 250.

OAL may issue a determination as to whether or not an agency issued, utilized, enforced, or attempted to enforce a rule that meets the definition of a “regulation” as defined in Government Code section 11342.600 that should have been adopted pursuant to the APA. An OAL determination that an agency has issued, utilized, enforced, or attempted to enforce an underground regulation is not enforceable against the agency through any formal administrative means⁷, but it is entitled to “due deference” in any subsequent litigation of the issue pursuant to *Grier v. Kizer* (1990) 219 Cal.App.3d 422, 268 Cal.Rptr. 244.

To determine whether an agency issued, utilized, enforced, or attempted to enforce an underground regulation in violation of Government Code section 11340.5, it must be demonstrated that the agency rule is a “regulation” and not exempt from the APA.

A determination of whether the challenged rule is a “regulation” subject to the APA depends on (1) whether the challenged rule meets the definition of a “regulation” within the meaning of Government Code section 11342.600, and (2) whether the challenged rule falls within any recognized exemption from APA requirements.

A regulation is defined in Government Code section 11342.600 as:

. . . every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

In *Tidewater Marine Western, Inc. v. Victoria Bradshaw* (1996) 14 Cal. 4th 557, 571, the California Supreme Court found that:

A regulation subject to the Administrative Procedure Act (APA) (Gov. Code, § 11340 et seq.) has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency’s procedure (Gov. Code, § 11342, subd. (g)).

The first element of a regulation is whether the rule applies generally. AD 818 applies to all patients at CSH, their visitors and employees of CSH. As *Tidewater* points out, a rule need not apply to all persons in the state of California. It is sufficient if the rule applies to a clearly defined class of persons or situations. Patients, visitors and employees of CSH are clearly defined classes of persons. The first element is, therefore, met.

The second element established in *Tidewater* is that the rule must implement, interpret or make specific the law enforced or administered by the agency, or govern the agency’s procedure.

As noted above, Welfare and Institutions Code section 4100 states that the Department has jurisdiction over CSH. In addition, Welfare and Institutions Code section 4027 states:

⁷ We note that the Department’s response included a request that, if OAL finds that AD 818 does meet the definition of a regulation, OAL will continue to allow the Department to continue use of AD 818 until regulations can be promulgated to avoid significant disruptions at CHS and to ensure the safety and security of the patients and staff at CSH. A determination issued pursuant to Government Code section 11340.5 is OAL’s legal opinion of whether a rule meets the definition of a “regulation” that should have been adopted pursuant to the APA. OAL has no enforcement powers. Only a court of competent jurisdiction can issue such an order. For example, as noted in the DMH response, in *Morning Star Co. v. State Board of Equalization* (2006) 38 Cal.4th 341, the court found a fee system should have been adopted pursuant to the APA, however, it directed that the fee system be continued in effect until valid regulations could be promulgated.

The State Department of Mental Health may adopt regulations concerning patients' rights and related procedures applicable to the inpatient treatment of mentally ill offenders receiving treatment pursuant to Sections 1026, 1026.2, 1364, 1370, 1610, and 2684 of the Penal Code, Section 1756 of the Welfare and Institutions Code, persons receiving treatment as mentally disordered sex offenders, and inmates of jail psychiatric units.⁸

AD 818 establishes categories of contraband property and controls the possession and disposal of that contraband property. AD 818 directly affects patients' rights by establishing, among other things, what may or may not be possessed by a patient at CSH. Further by detailing how contraband is disposed of, the process for establishing and amending the contraband list, the responsibilities of CSH staff in dealing with the contraband, the Department is establishing "related procedures". Accordingly, AD 818 implements Welfare and Institution Code section 4027. The second element in *Tidewater* is, therefore, met.

Having met both elements of *Tidewater*, OAL determines that AD 818 meets the definition of "regulation" in Government Code section 11342.600.

The final issue to examine is whether AD 818 falls within an exemption from the APA. Government Code section 11346 requires that an exemption from the APA must be an express statutory exemption. We can find no express APA exemptions that would apply to AD 818.

AGENCY RESPONSE

In its response, the Department makes four arguments for finding that AD 818 does not meet the definition of a regulation. We will address each argument in turn.

1. AD 818 is not a regulation. Instead, the AD is a guide of what items would be considered contraband for the specific facility. AD 818 does not apply generally and does not "implement, interpret, or make specific" any statute. AD 818 is not quasi-legislative.

As noted above, the *Tidewater* case does not require that all persons in the state be affected by the rule. Rather, it is enough that the rule apply to a clearly defined class of persons. AD 818 prohibits the possession by patients of items specified as contraband. It limits the items which may be sent to patients by friends and family. AD 818 is a rule that applies generally because it declares how a certain open class of cases, those involving the possession of contraband, will be decided.

Furthermore, as discussed above, AD 818 implements, interprets or makes specific Welfare and Institutions Code section 4027 which gives authority to the Department to adopt regulations concerning patients' rights.

Finally, AD 818 is "quasi-legislative." *Tidewater* states that:

A written statement of policy that an agency intends to apply generally, that is unrelated to a specific case, and that predicts how the agency will decide future cases is essentially legislative in nature even if it merely interprets applicable law.⁹

AD 818 lists items which are contraband and which will be confiscated from the patients. The Department intends AD 818 to apply generally to patients at CSH and their families and friends. AD 818 states how the Department will decide all future cases of contraband property. Therefore, it is quasi-legislative action on the part of the Department and is subject to the APA.

2. AD 818 provides for safety and security.

The Department argues that California Code of Regulations, title 9, section 883 establishes a right for patients to be free from harm. The contraband list is intended to ensure that dangerous items do not present a risk to the safety and security in the facility.

OAL sympathizes with the need to ensure the safety and security of the state hospitals and the people who live and work there. However, this determination is limited to the single issue of whether AD 818 meets the definition of a regulation. We have no authority to create an exemption from the APA based upon the situation found in state hospitals. That is the purview of the Legislature pursuant to Government Code section 11346.

3. AD 818 is exempt from the requirements of the APA, pursuant to California Code of Regulations, title 9, section 884 which permits each state hospital to adopt a list of contraband items.

California Code of Regulations, title 9, section 884(b)(1) states:

. . . .

(b) Non-LPS Patients have the following rights, subject to denial for good cause:

(1) A right to keep and use personal possessions as space permits, except items and materials that are listed as contraband by the facility. Each facility shall make a copy of the contraband listing available on all treatment units and public areas within the facility. Each patient shall receive a copy of the contraband listing upon admission.

. . . .

⁸ These sections discuss non-LPS patients of state hospitals.

⁹ *Tidewater*, *supra*, at 574-575.

AD 818, however, goes beyond a mere list of contraband items. AD 818 contains requirements for how contraband is to be disposed of, the process for establishing and amending the list of contraband items, steps to be taken when visitors bring items to the hospital, the responsibilities of employees in dealing with contraband items, and how contraband items will be controlled. It would not, therefore, be exempt from the APA.

Additionally, a state agency cannot, by regulation, create an APA exemption. Pursuant to Government Code section 11346, an exemption must be expressly created by the Legislature. The language of section 884 requires that the state hospital distribute and make available on all treatment units and public areas a list of contraband items. Absent an express exemption created by the Legislature, such a list must be adopted by the Department pursuant to the APA. The Department could adopt one list that applies to all state hospitals, or separate lists that apply to the individual state hospitals.

4. The issuance of AD 818 is similar to a “local rule” issued by a state prison and exempted from the APA by Penal Code section 5058.

In Penal Code section 5058 the Legislature recognized that each prison under the jurisdiction of the California Department of Corrections and Rehabilitation (CDCR) may have specific conditions unique to that prison. In such cases, the individual prison may adopt rules to address those conditions without following the requirements of the APA. The situation that the Department faces is very similar to that of CDCR; however, Penal Code section 5058 applies only to CDCR and not to the Department. The adoption of a similar “local rule” exemption for DMH is a decision left to the Legislature.

CONCLUSION

AD 818 meets the definition of a “regulation” as defined in section 11342.600, does not fall within any express statutory APA exemption, and therefore, it should have been adopted pursuant to the APA.

Date: August 27, 2008

/s/
Susan Lapsley
Director

/s/
Kathleen Eddy
Senior Counsel

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
(916) 323-6225

STATE LANDS COMMISSION

STATE OF CALIFORNIA

OFFICE OF ADMINISTRATIVE LAW

2008 OAL DETERMINATION NO. 22
(OAL FILE # CTU 2008-0204-01)

REQUESTED BY: Thomas and Nancy Bollay
CONCERNING: State Lands Commission Policy In Connection With Development of Coastal Land Adjoining State-Owned Tidelands

DETERMINATION ISSUED PURSUANT TO GOVERNMENT CODE SECTION 11340.5.

SCOPE OF REVIEW

A determination by the Office of Administrative Law (OAL) evaluates whether or not an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. Our review is limited to the sole issue of whether the challenged rule meets the definition of a “regulation” as defined in Government Code section 11342.600¹ and is subject to the Administrative Procedure Act (APA). If a rule meets the definition of a regulation, but was not adopted pursuant to the APA and should have been, it is an “underground regulation” as defined in California Code of Regulations, title 1, section 250.² OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

FACTUAL BACKGROUND

On February 27, 2008, Thomas and Nancy Bollay (Petitioner) submitted a complete petition³ to OAL

¹ Unless otherwise specified, all references are to the Government Code.

² As defined by title 1, section 250(a), an “Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

³ Petitioner’s original petition, submitted on February 4, 2008, did not satisfy the requirements for a petition pursuant title 1, section 260 of the California Code of Regulations. Petitioner re-submitted a complete petition on February 27, 2008.

challenging as an underground regulation specific language from a tideland study report (Study)⁴ issued by the State Lands Commission (Commission). The Study addressed tideland concerns in a specific area of Santa Barbara County consisting of eight beachfront parcels (Study Area).

The Commission prepared and issued the Study for the County of Santa Barbara Planning and Development Department (County) in response to the County's inquiry about the existence of state owned tideland in the Study Area. The County's inquiry was prompted by proposed development in the Study Area.

The Commission responded to the petition on June 6, 2008, and Petitioner submitted a rebuttal to the Commission's response on June 18, 2008. OAL received no public comments for this petition.

UNDERGROUND REGULATIONS

Government Code section 11340.5, subdivision (a), provides that:

(a) No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of section 11340.5 it creates an underground regulation as defined in title 1, California Code of Regulations, section 250.

OAL may issue a determination as to whether or not an agency issues, utilizes, enforces, or attempts to enforce a rule that meets the definition of a "regulation" as defined in section 11342.600 and should have been adopted pursuant to the APA. An OAL determination that an agency has issued, utilized, enforced, or attempted to enforce an underground regulation is not enforceable against the agency through any formal administrative means, but it is entitled to "due deference" in any subsequent litigation of the issue pursuant to *Grier v. Kizer* (1990) 219 Cal.App.3d 422 [268 Cal.Rptr. 244].

⁴ See Exhibit 9 to Petition. The full title of the Study is the *Santa Clause Lane Mean High Tide Line Study Report, Prepared for County of Santa Barbara Planning and Development* (issued by Staff of the California State Lands Commission; June, 2006). The Study is a 30-page report followed by 48 exhibits. Only the specific challenged language is relevant to this opinion.

CHALLENGED RULE

The petition alleges that the following language from the Study constitutes an underground regulation:

Given that the known historical range of the mean high tide line in the Study Area extends nearly to the landward boundaries of the eight subject parcels, it seems unlikely that any of these parcels could be developed in a manner that . . . conformed to the *State Land Commission's policy that new development be sited landward of the most landward location of the mean high tide line.* (Study, p. 1, emphasis added.)

From this language, Petitioner alleges that the Commission has established and uses a "Most Landward Boundary Policy"⁵ to determine whether to object to proposed development, and that this policy is a regulation that has not been adopted pursuant to the APA. (Petition p. 1.)

ANALYSIS

The Commission is the state agency charged with exclusive jurisdiction over, and authority to administer and control, all tidelands owned by the state of California. (Public Resources Code section 6301.) The state owns all land below tide water, and below ordinary high water mark. (Civil Code sections 670 and 830.) The ordinary high water mark is the line of high water determined by the course of the tides over a long period of time. (*People v. William Kent Estate Co.* (1966) 242 C.A.2d 156, 159, 51 C.R. 215). Case law establishes that the statutory "ordinary high water mark" is referenced by the mean high tide line. (See, e.g., *Borax Consolidated, Ltd. v. Los Angeles* (1935) 296 U.S. 10, 26 and *Lechuza Villas West v. California Coastal Commission* (*Lechuza Villas*) (1997) 60 Cal.App.4th 218, 239.) Thus, reference to the "ordinary high water mark" in the California codes means, as a matter of law, the mean high tide line. Land running seaward from the mean high tide line (i.e., from the mean high tide line into the ocean) is tideland and is generally owned by the state.

Although many issues were raised in the petition and responses, OAL's authority to issue a determination extends only to the limited question of whether the challenged rule is a "regulation" subject to the APA. This determination determines (1) whether the challenged rule is a "regulation" within the meaning of section 11342.600, and (2) whether the challenged rule falls within any recognized exemption from APA requirements.

⁵ Petitioner describes this policy as the Commission's "Most Landward Boundary Policy." This is the Petitioner's name for this policy, and to OAL's knowledge, the Commission does not use this name for the policy. For purposes of this discussion, OAL will simply refer to the challenged rule as "policy."

A regulation is defined in section 11342.600 as:

. . . every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

In *Tidewater Marine Western, Inc. v. Victoria Bradshaw* (1996) 14 Cal.4th 557, 571 [59 Cal.Rptr.2d 186], the California Supreme Court found that:

A regulation subject to the Administrative Procedure Act (APA) (Gov. Code, § 11340 et seq.) has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency's procedure (Gov. Code, § 11342, subd. (g)).⁶

The first element of a regulation is whether the rule applies generally. As *Tidewater* points out, a rule need not apply to all persons in the state of California. It is sufficient if the rule applies to a clearly defined class of persons or situations.

The rule challenged by the Petitioner is the Commission's stated policy that "development be sited landward of the most landward location of the mean high tide line." This policy appears applicable to all proposed development upland of the most landward location of the mean high tide line, irrespective of the Study Area, therefore it would apply to a clearly defined class of persons or situations. Accordingly, we conclude that the policy is a rule of general application and thus meets the first *Tidewater* element.

The second *Tidewater* element is that the rule must implement, interpret or make specific the law enforced or administered by the agency, or govern the agency's procedure. The Commission has exclusive authority over state tidelands, such as those in the Study Area. Public Resources Code section 6301 provides in pertinent part that the Commission:

has exclusive jurisdiction over all tidelands . . . owned by the State[, that all] jurisdiction and authority remaining in the State as to tidelands . . . is vested in the commission[, and that the]

commission shall exclusively administer and control all such lands, and may lease or otherwise dispose of such lands, as provided by law, upon such terms and for such consideration, if any, as are determined by [the Commission].

In connection with its authority under Public Resources Code section 6301, the Commission has discretion to sue to eject any person who is trespassing on state-owned tideland and recover costs for ejection,⁷ recover damages from any person trespassing on state-owned tidelands,⁸ remove or cause to be removed, any man-made structures or obstructions from tidelands,⁹ or may acquire, by gift, conveyance, or condemnation action, an easement over upland private lands for public access to tidelands.¹⁰ (The foregoing is not an exclusive list of the Commission's authority over state-owned tidelands.)

In adopting a policy relating to development of coastal land adjoining state-owned tidelands, the Commission is clearly exercising its authority to protect state-owned tidelands from trespass and encroachment.¹¹ Therefore the policy implements, interprets or makes specific the Commission's exclusive jurisdiction over, and authority to administer and control, all tidelands owned by the state of California. Accordingly, we conclude that the challenged rule meets the second *Tidewater* element and is, therefore, a regulation as defined in section 11342.600.

The final issue to examine is whether the challenged rule falls within an exemption from the APA. Exemptions from the APA can be general exemptions that apply to all state rulemaking agencies. Exemptions may also be specific to a particular rulemaking agency or a specific program. Pursuant to section 11346, the procedural requirements established in the APA "shall not be superseded or modified by any subsequent legislation *except to the extent that the legislation shall do so expressly*." (Emphasis added.)

Government Code section 11340.9(f) exempts from the APA "[a] regulation that embodies the only legally tenable interpretation of a provision of law." The California Supreme Court discussed the "only legally tenable interpretation" exception in *Morning Star Co. v.*

⁷ Public Resources Code sections 6302.

⁸ *Id.*, sec. 6224.1.

⁹ *Id.*, sec. 6216.1.

¹⁰ *Id.*, sec. 6210.9.

¹¹ Commission response, p. 9 re-states this "[A]ll lands lying below this line are held in trust by the state for the benefit of the people of the state, and any encroachment upon such lands is an unlawful trespass."

⁶ Section 11342(g) was re-numbered in 2000 to section 11342.600 without substantive change.

State Bd. of Equalization (2006) 38 Cal.4th 324, 328, 132 P.3d 249. The court stated:

. . . the exception for the lone “legally tenable” reading of the law applies only in situations where the law “can reasonably be read only one way” (1989 Off. Admin. Law Determination No. 15, Cal. Reg. Notice Register 89, No. 44–Z, pp. 3122, 3124), such that the agency’s actions or decisions in applying the law are essentially rote, ministerial, or otherwise patently compelled by, or repetitive of, the statute’s plain language. (See Cal. Law Revision Com. com., 32D West’s Ann. Gov. Code (2005 ed.) foll. § 11340.9, p. 94; 1989 Off. Admin. Law Determination No. 15, Cal. Reg. Notice Register 89, No. 44–Z, pp. 3124–3131 [reviewing an agency interpretation of the law for compliance with the APA and concluding that although the agency had a “well-supported” rationale for its view, it was not the only legally tenable interpretation of the pertinent statute].)

This “only legally tenable interpretation” exemption applies to a regulation that, although meeting the APA definition of a “regulation” in section 11342.600, represents the only interpretation that would allow the Commission to carry out its authority or duties under the law governing its activity, and that does not otherwise further interpret or supplement that law. Generally, the only legally tenable interpretation exemption cannot be applied where the law being interpreted authorizes the agency to employ discretion. Such discretion necessarily requires further interpretation or supplementation of the law, which is contrary to the only legally tenable interpretation exemption.

The exemption is not limited to interpretation of a single provision of law, but may be an interpretation derived from multiple legal provisions in statutes, cases, and duly adopted regulations that govern the Commission’s activities, provided that the interpretation does not further interpret or supplement those laws.

As noted above, the state owns all tidelands from the ordinary high water mark into the ocean (Civil Code sections 670 and 830), and the Commission has exclusive jurisdiction over state-owned tidelands (Public Resources Code section 6301). The high water mark of the state-owned tidelands “necessarily moves, and thus the mark or line of mean high tide, i.e., the legal boundary, also moves.” (*Lechuza Villas*, p. 243). Thus, while the boundary line of state-owned tidelands lies seaward of the mean high tide line, *that boundary line may vary*, and the Commission’s authority necessarily includes the protection of any foreseeable interest in state-owned tidelands resulting from changes in the boundary line. In stating its policy that new development be

sited landward of the most landward location of the mean high tide line, the Commission is recognizing the most landward point at which state ownership is known to end. Any development seaward of that line has the potential to compromise the state’s ownership interest in tidelands and would be inconsistent with the public trust.

Accordingly, we conclude that the Commission’s policy that new development be sited landward of the most landward location of the mean high tide line, although it meets the definition of a “regulation,” is exempt from the APA because it constitutes the only legally tenable interpretation of applicable law.

CONCLUSION

In accordance with the above analysis, OAL determines that the challenged policy is a “regulation” as defined in section 11342.600, but is exempt from the APA under the “only legally tenable interpretation” exemption in section 11340.9(f) and, therefore, is not required to be adopted pursuant to the APA.

Accordingly, OAL determines that the challenged language is not an underground regulation.

August 26, 2008

/s/

SUSAN LAPSLEY
Director

/s/

RICHARD L. SMITH
Staff Counsel

DISAPPROVAL DECISION

DISAPPROVAL DECISION

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, California 95814-4339, (916) 323-6225—FAX (916) 323-6826. Please request by OAL file number.

**PHYSICAL THERAPY BOARD OF
CALIFORNIA**

**State of California
Office of Administrative Law**

In re:

Physical Therapy Board of California

**Regulatory Action: Title 16
California Code of Regulations**

**Amend sections: 1399.25
Repeal sections: 1399.26**

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL File No. 2008-0710-05 S

SUMMARY OF REGULATORY ACTION

The Physical Therapy Board of California ("Board") proposed changes to title 16 of the California Code of Regulations related to the monetary fine associated with violations of licensing regulations. The Board proposed changes to establish factors the Board may consider when determining the amount of a fine to impose. The Board also proposed additional circumstances that would allow for the imposition of an enhanced fine for particularly egregious violations. The Board submitted the proposed regulations to the Office of Administrative Law ("OAL") for review in accordance with the Administrative Procedure Act ("APA") on July 10, 2008. OAL disapproved the proposed regulations on August 21, 2008. This Decision of Disapproval explains the reasons for OAL's action.

DECISION

OAL disapproved the proposed regulations because the rulemaking file does not meet the necessity standard, the proposed regulation does not meet the clarity standard and the correct APA procedure was not followed.

Date: August 28, 2008

/s/
Holly Geneva Stout
Staff Counsel

FOR: SUSAN LAPSLEY
Director

Original: Steven Hartzell
Copy: Elsa Ybarra

**AVAILABILITY OF INDEX OF
PRECEDENTIAL DECISIONS**

**STATE WATER RESOURCES CONTROL
BOARD**

**NOTICE OF AVAILABILITY OF PRECEDENTIAL
DECISIONS AND DECISION INDEX**

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (Board), pursuant to the requirements of section 11425.60 of the Government Code, maintains an index of precedential decisions. The Board designates all decisions or orders adopted by the Board at a public meeting to be precedential decisions within the meaning of Government Code section 11425.60, except to the extent that a decision or order indicates otherwise, or is superseded by later enacted statutes, judicial opinions, or actions of the Board. An index of precedential decisions and text of these decisions is available on the Board's website at:

[http://www.waterboards.ca.gov/board_decisions/
adopted_orders/index.shtml](http://www.waterboards.ca.gov/board_decisions/adopted_orders/index.shtml)

For additional information contact:

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**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by

contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2008-0808-01

AIR RESOURCES BOARD

California Reformulated Gasoline Regulations 2007

Health and Safety Code section 43013.1 requires that the Phase 3 CaRFG regulations preserve emissions and air quality benefits of the Phase 2 CaRFG program. The use of ethanol in Phase 3 CaRFG increases evaporative emissions relative to Phase 2 CaRFG through permeation. This regulatory filing amends the CaRFG regulations and updates the Predictive Model to mitigate the excess emissions associated with permeation from on-road motor vehicles.

Title 13

California Code of Regulations

ADOPT: 2660(a)(0.5), 2260(a)(0.7), 2260(a)(6.9), 2260(a)(7.5), 2260(a)(8.5), 2260(a)(10.5), 2260(a)(10.7), 2260(a)(19.7), 2260(a)(19.8), 2260(a)(23.5), 2260(a)(23.7), 2260(a)(37), 2260(a)(38), 2260(a)(39), 2262.3(d), 2264.2(a)(3), 2264.2(b)(5), 2264.2(d), 2265(c)(4), 2265.1, 2265.5, 2266(b)(3), 2266(b)(4), 2266(b)(5)
AMEND: 2261, 2262, 2262.3, 2262.4, 2262.5, 2262.9, 2263, 2263.7, 2264.2, 2265, 2266, 2266.5, 2270, 2271, 2273

Filed 08/29/2008

Effective 08/29/2008

Agency Contact: Trini Balcazar (916) 445-9564

File# 2008-0716-01

BOARD OF GUIDE DOGS FOR THE BLIND

Address Change; Health Certificate; Physical Defects

This regulatory action provides the new address for the Board and repeals two sections related to disabilities and health requirements.

Title 16

California Code of Regulations

AMEND: 2250 REPEAL: 2274, 2277

Filed 08/27/2008

Effective 09/26/2008

Agency Contact: Antonette Sorrick (916) 574-7825

File# 2008-0724-02

BOARD OF PAROLE HEARINGS

Delays of Life Parole Consideration Hearings

This rulemaking amends rules for making requests for postponements, continuances, voluntary hearing waivers, and stipulations to the unsuitability of inmates for parole in the conduct of life parole consideration hearings by the Board of Parole Hearings. The rule-

making establishes the rights and responsibilities of the hearing panel and the parties to these proceedings in relation to these procedural requests.

Title 15

California Code of Regulations

AMEND: 2253

Filed 09/03/2008

Effective 11/01/2008

Agency Contact: Elizabeth Geiger (916) 324-6434

File# 2008-0819-01

CALIFORNIA HORSE RACING BOARD

Posterior Digital Neurectomy

This amendment would preclude any horse that has had a posterior digital neurectomy after October 1, 2008, from racing in California.

Title 4

California Code of Regulations

AMEND: 1850

Filed 09/02/2008

Effective 10/01/2008

Agency Contact: Harold Coburn (916) 263-6397

File# 2008-0718-02

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Public Information, Community Relations and Media Access

In this regulatory action, the Department of Corrections and Rehabilitation amends its "Adult Institutions, Programs and Parole" regulations in the areas of public information, community relations, and media access. The "media access" regulations include provisions relating to media access to Department facilities and information and relating to media interviews with inmates, parolees and staff at Department facilities.

Title 15

California Code of Regulations

AMEND: 3000, 3261.1, 3261.2, 3261.4, 3261.5, 3261.7, 3267

Filed 08/29/2008

Effective 09/28/2008

Agency Contact: Randy Marshall (916) 341-7328

File# 2008-0825-01

DEPARTMENT OF FOOD AND AGRICULTURE

Diaprepes Root Weevil Interior Quarantine

This emergency regulatory action will establish a new quarantine area of approximately two square miles in the Vista area of San Diego County for the Diaprepes root weevil (*Diaprepes abbreviatus*).

Title 3
California Code of Regulations
AMEND: 3433(b)
Filed 09/02/2008
Effective 09/02/2008
Agency Contact: Stephen Brown (916) 654-1017

File# 2008-0825-02
DEPARTMENT OF FOOD AND AGRICULTURE
Gypsy Moth Eradication Area
This emergency regulation adds the entire county of Alameda to the eradication area for the gypsy moth, *Lymantria dispar*.

Title 3
California Code of Regulations
AMEND: 3591.6(a)
Filed 09/02/2008
Effective 09/02/2008
Agency Contact: Stephen Brown (916) 654-1017

File# 2008-0820-01
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Ignition Resistance Construction System w/in Wildlife Urban Interface

This emergency regulatory action incorporates by reference the new OSFM building standards (Title 24, California Building Code, Part 2, Chapter 7A) recently approved by the California Building Standards Commission and applies them to manufactured homes, mobilehomes, multifamily manufactured housing, and commercial modulars built or installed in a Wildland-Urban Interface Fire Area. This will provide minimum standards for the design, materials and construction methods for roofs, roof coverings, roof assemblies, attic eaves and cornice vents, and exterior wall coverings for manufactured homes, mobilehomes, multifamily manufactured housing, or commercial modulars in order to resist the intrusion of flame or burning embers projected by a vegetation fire on or into these structures in the same manner as conventionally constructed structures. These regulations also establish requirements for third-party approval of design plans for ignition resistant construction systems and third-party inspections in the manufacturing facility, and establish requirements for Department approval of the design and construction of the ignition resistant construction system if the structure has already left the manufacturing facility.

Title 25
California Code of Regulations
ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216

Filed 08/29/2008
Effective 08/29/2008
Agency Contact: Richard Weinert (916) 327-2838

File# 2008-0828-01
DEPARTMENT OF PESTICIDE REGULATION
Field Fumigant Emission Limits

This action will phase in the volatile organic compound emissions standard for field fumigation in Ventura County so that full implementation of the limit established in January, 2008, will not occur until 2012.

Title 3
California Code of Regulations
AMEND: 6452.2
Filed 09/03/2008
Effective 09/03/2008
Agency Contact:
Linda Irokawa-Otani (916) 445-3991

File# 2008-0820-03
FISH AND GAME COMMISSION
Upland Game Bird Hunting

This regulatory action revises the existing upland game bird hunting regulations to allow fall turkey hunting in San Diego County, expand falconry season to open at the same time as archery season, and remove any bag limit from Eurasian collared-doves, spotted doves, and ringed turtle doves.

Title 14
California Code of Regulations
AMEND: 300
Filed 08/27/2008
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Agency Contact: Jon Snellstrom (916) 653-4899

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN APRIL 2, 2008 TO
SEPTEMBER 3, 2008**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1
04/24/08 AMEND: Appendix A

Title 2
08/14/08 AMEND: 1859.2, 1859.121, 1859.122, 1859.127, 1859.129

08/08/08	ADOPT: 21905.5 AMEND: 21903, 21905	07/16/08	AMEND: 3406
07/16/08	ADOPT: 18946.6	07/14/08	AMEND: 3963
07/10/08	AMEND: 1859.76, 1859.83, 1859.104.3	07/11/08	AMEND: 3434(b)
07/10/08	AMEND: 1859.71	07/09/08	AMEND: 3434(b)
07/08/08	AMEND: 2271	06/30/08	AMEND: 3589(a)
06/26/08	AMEND: 554.2, 554.3	06/24/08	AMEND: 3963
06/17/08	ADOPT: div. 8, ch. 112, sec. 59570	06/24/08	AMEND: 3060.3
06/11/08	AMEND: 18360, 18361	06/23/08	AMEND: 3591.5(a)
06/11/08	ADOPT: 18421.7 AMEND: 18401	06/17/08	AMEND: 2751
06/11/08	ADOPT: 18944.2 REPEAL: 18944.2	06/16/08	AMEND: 3434(b)
05/21/08	ADOPT: 59580	06/11/08	AMEND: 3434(b)
05/14/08	ADOPT: 18413	06/09/08	AMEND: 3700
05/13/08	ADOPT: 59620	06/04/08	AMEND: 3434(b)
05/06/08	AMEND: 43000, 43001, 43002, 43003, 43004, 43005, 43006, 43007, 43008, 43009	05/23/08	AMEND: 3434(b)
04/30/08	AMEND: 1859.2, 1859.61, 1859.81, 1859.82, 1859.83, 1859.202, 1866, Form SAB 50-04 (Rev. 01/08)	05/23/08	AMEND: 1438.7, 1438.17
04/29/08	ADOPT: 1859.190, 1859.191, 1859.192, 1859.193, 1859.193.1, 1859.194, 1859.195, 1859.196, 1859.197, 1859.198, 1859.199 AMEND: 1859.2, 1859.51, 1859.81, Form SAB 50-04 (Revised 01/08), Form SAB 50-05 (Revised 01/08), Form SAB 50-10 (Revised 01/08)	05/07/08	AMEND: 3434(b)
04/24/08	ADOPT: 1183.081, 1183.131, 1183.30, 1183.31, 1183.32 AMEND: 1181.1, 1181.2, 1181.3, 1183, 1183.01, 1183.04, 1183.08, 1183.11, 1183.13, 1183.14, 1183.3, 1188.3	05/05/08	AMEND: 3406(b)
04/10/08	AMEND: 1866, 1866.4.3, 1866.13, Form SAB 40-22 (Rev. 10/07)	05/02/08	AMEND: 3417(b)
04/09/08	AMEND: 18997	05/02/08	AMEND: 3434
Title 3		04/30/08	AMEND: 3591.20
09/03/08	AMEND: 6452.2	04/23/08	AMEND: 6550
09/02/08	AMEND: 3433(b)	04/21/08	AMEND: 3700
09/02/08	AMEND: 3591.6(a)	04/18/08	AMEND: 3434(b)
08/26/08	AMEND: 3434(b)	04/16/08	AMEND: 3434(b) & (c)
08/25/08	AMEND: 3423(b)	04/15/08	AMEND: 3433(b)
08/18/08	AMEND: 6738, 6739	04/08/08	AMEND: 3434(b)
08/18/08	AMEND: 3434(b)	04/02/08	AMEND: 3433(b)
08/13/08	AMEND: 3434(b)	04/02/08	AMEND: 3433(b)
08/12/08	AMEND: 3406(b)	Title 4	
08/11/08	AMEND: 3406(b)	09/02/08	AMEND: 1850
08/01/08	AMEND: 3589(a)	08/25/08	ADOPT: 8102, 8102.1, 8102.2, 8102.3, 8102.4, 8102.5, 8102.6, 8102.7, 8102.8, 8102.9, 8102.10, 8102.11, 8102.12, 8102.13, 8102.14, 8102.15 AMEND: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101
08/01/08	ADOPT: 3591.22	08/21/08	ADOPT: 1634 AMEND: 1420
07/28/08	AMEND: 3434(b)	08/12/08	ADOPT: 4180, 4181
07/25/08	AMEND: 902.9	08/08/08	AMEND: 12002, 12100, 12101, 12120, 12122, 12128, 12130, 12140, 12200, 12200.3, 12200.7, 12200.9, 12200.10A, 12200.10B, 12200.10C, 12200.11, 12200.13, 12200.14, 12200.16, 12200.17, 12200.18, 12200.20, 12200.21, 12201, 12202, 12203, 12203A, 12203.1, 12203.2, 12203.3, 12203.5, 12204, 12205, 12205.1, 12218, 12218.1, 12218.5, 12218.7, 12218.11, 12220, 12220.3, 12220.13, 12220.14, 12220.16, 12220.18, 12220.20, 12220.20A, 12220.21, 12220.23, 12221, 12222, 12223, 12224, 12225, 12225.1, 12233, 12234, 12235, 12236, 12300, 12301, 12301.1, 12302, 12303, 12304,
07/24/08	ADOPT: 3591.21		
07/22/08	AMEND: 3417(b)		
07/16/08	AMEND: 3700		

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07/14/08	AMEND: 8070, 8072, 8073	08/25/08	ADOPT: 9721.11, 9721.12, 9721.13, 9721.14, 9721.21, 9721.33 AMEND: 9720.1, 9720.2, 9721.1, 9721.2, 9721.31, 9721.32, 9722, 9722.1, 9722.2, 9723
07/10/08	AMEND: 1481, 1783, 1784	08/08/08	AMEND: 1532.1
06/24/08	ADOPT: 12335, 12340, 12357 AMEND: 12342, 12343, 12344, 12345, 12358, 12359	08/04/08	AMEND: 3649
05/23/08	ADOPT: 1843.3 AMEND: 1843.2	08/04/08	AMEND: Appendix C following section 560, Appendices A, B, and C following section 1938, and section 5001
05/01/08	AMEND: 1844	07/30/08	AMEND: 1524
04/08/08	AMEND: 1467	07/18/08	AMEND: 290.0, 290.1, 291.0, 291.1, 291.2, 291.5, 292.0, 294.0, 295.0, 296.0, 296.1, 296.2, 296.3, 296.4
Title 5		07/18/08	AMEND: 2500.7
08/11/08	AMEND: 41000	07/17/08	AMEND: 4885, 4924, 5004
08/04/08	ADOPT: 15575, 15576, 15577, 15578	07/17/08	AMEND: 1604.24, 1604.26
07/16/08	AMEND: 18272	07/14/08	AMEND: Appendix B following 1541.1
06/24/08	AMEND: 80021	06/30/08	ADOPT: 4300.1 AMEND: 4297, 4300
06/19/08	AMEND: 4600(I)	06/06/08	AMEND: 1710(k)(2)
06/13/08	ADOPT: 55185, 57017 AMEND: 55180, 57001.7, 58003.4, 58770, 58771, 58774	05/19/08	AMEND: 1529, 5208, 8358
06/10/08	AMEND: 30910, 30911, 30912, 30913, 30914, 30916	05/19/08	AMEND: 1710
06/10/08	AMEND: 30920, 30921, 30922, 30923, 30924, 30925, 30927	05/19/08	AMEND: 797, 1604.10, 1601.21, 1662
06/09/08	ADOPT: 19828.3, 19837.2 AMEND: 19816, 19816.1, 19828.2, 19837.1, 19846	05/05/08	ADOPT: 2340.2, 2340.5, 2340.8, 2340.10, 2340.12, 2340.14; Article 6, Sections 2360.1 through 2360.5; Sections 2375.7, 2375.25, 2380.1, 2390.10, 2390.20, Article 12, Sections 2400.1, 2400.2; Sections 2418.2, 2418.3, 2418.4, 2418.5, 2418.6, 2420.4, 2420.5, 2420.6, 2420.7, 2473.1, 2473.2, 2480.5, 2480.9, 2484.5, 2484.6; Article 48.1, Sections 2485.1, 2485.2; Sections 2505.2, 2510.8, 2522.20, 2530.120, 2530.121; Article 58.1, Section 2535.1; Sections 2540.11, 2540.11 Figure S-1, 2560.3; Article 74.1, Sections 2562.1 through 2562.7; Article 77.1, Sections 2566.1 through 2566.3; Article 77.2, Sections 2567.1 through 2567.3; Sections 2569.5, 2571.9, 2571.30; Article 83, Sections 2583.1 through 2583.8; Article 84, Sections 2584.1 through 2584.8; Article 85, Sections 2585.1 through 2585.3; Article 86, Sections 2586.1 through 2586.4; Article 87, Sections 2587.1 through 2587.5; Article 88, Sections 2588.1 through 2588.3; Article 89, Sections 2589.1 and 2589.2. AMEND: 2300, 2305.2, 2305.4, 2340.9, 2340.11, 2340.13, 2340.16, Table 2340.16, 2340.17, 2340.18, 2340.21, 2340.22; Article 5, Section 2350.2; Sections
05/28/08	ADOPT: 18085.5, 18086.1 AMEND: 18086, 18087, 18088, 18091, 18101, 18102, 18104		
05/21/08	ADOPT: 6105 AMEND: 6100, 6104		
05/13/08	AMEND: 15440, 15441, 15442, 15443, 15444, 15445, 15446, 15447, 15448, 15449, 15450, 15451, 15452, 15453, 15454, 15455, 15456, 15457, 15458, 15459, 15460, 15461, 15462, 15463, 15464, 15467, 15468, 15469, 15471, 15471.1, 15471.2, 15472, 15473, 15474, 15475, 15476, 15477, 15478, 15479, 15479.5, 15480, 15481, 15483, 15484, 15485, 15486, 15487, 15488, 15489, 15490, 15493		
05/05/08	ADOPT: 11315.5 and 11315.6 AMEND: 11315		
05/01/08	AMEND: 80440, 80443		
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04/21/08	ADOPT: 18134		
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		05/16/08	ADOPT: 2642.8, 2644.28 AMEND: 2642.6, 2642.7, 2644.2, 2644.3, 2644.6, 2644.7, 2644.8, 2644.12, 2644.16, 2644.17, 2644.19, 2644.20, 2644.21, 2644.23, 2644.25, 2644.27
		04/30/08	AMEND: 2697.6, 2697.61
		04/29/08	ADOPT: 10.19900, 10.19901
		04/28/08	AMEND: 310.111
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		07/08/08	ADOPT: 30.14
		06/17/08	AMEND: 1005, 1007, 1008, 1080
		05/28/08	AMEND: 2000, 2001, 2010, 2020, 2030, 2037, 2038, 2050, 2051, 2052, 2053, 2060, 2070, 2071, 2072, 2140
		04/14/08	AMEND: 1081
		Title 13	
		08/29/08	ADOPT: 2660(a)(0.5), 2260(a)(0.7), 2260(a)(6.9), 2260(a)(7.5), 2260(a)(8.5), 2260(a)(10.5), 2260(a)(10.7), 2260(a)(19.7), 2260(a)(19.8), 2260(a)(23.5), 2260(a)(23.7), 2260(a)(37), 2260(a)(38), 2260(a)(39), 2262.3(d), 2264.2(a)(3), 2264.2(b)(5), 2264.2(d), 2265(c)(4), 2265.1, 2265.5, 2266(b)(3), 2266(b)(4), 2266(b)(5) AMEND: 2261, 2262, 2262.3, 2262.4, 2262.5, 2262.9, 2263, 2263.7, 2264.2, 2265, 2266, 2266.5, 2270, 2271, 2273
		08/13/08	ADOPT: 619.2 AMEND: 615, 615.1, 616, 617, 618, 619, 619.1
		07/15/08	AMEND: 440.04
		06/16/08	ADOPT: 156.01
		06/16/08	AMEND: 1961, 1965
		06/10/08	AMEND: 2222
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		05/01/08	AMEND: 1
		04/28/08	AMEND: 120.00, 120.01, 120.02, 124.93, 124.95 REPEAL: 120.04
		04/10/08	AMEND: 1202.1, 1202.2, 1232
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		08/18/08	AMEND: 749.3
04/11/08	AMEND: 7016(c)		
04/07/08	AMEND: 10116, 10116.1, 10117.1, 10118.1, 10119, 10120, 10121, 10136, 10137, 10225, 10225.1, 10225.2		
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07/11/08	ADOPT: 1810.207.5, 1810.220.5 AMEND: 1830.220		
07/02/08	AMEND: 9515(d), 10522(b)		
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08/14/08	AMEND: 2699.100, 2699.201, 2699.205, 2699.207, 2699.209, 2699.400		
08/04/08	AMEND: 5000, 5110, 5111, 5112, 5113, 5114, 5116, 5117 REPEAL: 5119		
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07/24/08	AMEND: 2498.4.9		
07/23/08	AMEND: 2498.4.9		
07/23/08	AMEND: 2498.4.9		
07/21/08	ADOPT: 2330.1, 2330.3, 2330.4, 2330.5		
07/17/08	AMEND: 2498.6		
07/10/08	REPEAL: 2191		
07/10/08	AMEND: 2699.6611		
07/07/08	ADOPT: 2699.6602, 2699.6604 AMEND: 2699.6603, 2699.6605, 2699.6607, 2699.6608, 2699.6611, 2699.6625		
06/24/08	ADOPT: 2232.45.1, 2232.45.2, 2232.45.3, 2232.45.4, 2232.45.5 AMEND: 2536.2		
06/16/08	AMEND: 2318.6, 2353.1		
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08/14/08	ADOPT: 3950, 3951, 3952, 3953, 3954, 3955, 3956, 3957, 3958, 3959, 3960, 3961, 3962, 3963, 3964, 3965	3581, 3582, new Article 7 and title, new Article 8 and title, new Article 9 and title, new Article 10 and title, new Article 12 and title, 3640, new Article 13 and title, 3650, 3651, 3652, 3652.1, 3653, 3654, new Article 14 and title, 3700, 3701, 3702, 3703, 3704, 3705, 3706, 3707, new Article 15 and title, 3720, 3721, 3721.1, 3722, 3723, new Article 16 untitled, 3730, new Article 17 and title, new Article 18 and title, 3750, 3751, 3752, 3753, 3754, 3755, 3756, new Article 19 and title, 3760, 3761, 3762, 3763, 3764, 3765, 3766, new Article 20 and title, 3770, 3771, and 3772. AMEND: 3604, 3605, 3605.5, 3701.1, 3705, 3706, 3801, 3802, renumber old Article 2 with title, and 3815.
08/12/08	ADOPT: 124	
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07/28/08	AMEND: 702	
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07/15/08	ADOPT: 4860	
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06/30/08	AMEND: 120.7	
06/23/08	AMEND: 18660.23, 18660.24, 18660.25, 18660.33, 18660.34	
06/20/08	AMEND: 360, 361, 362, 363, 364, 551, 708, 712	07/17/08 ADOPT: 3134.1 AMEND: 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147
06/18/08	ADOPT: 355	
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05/15/08	AMEND: 353, 475	07/14/08 ADOPT: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.5, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1756, 1757, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792
05/09/08	AMEND: 27.20, 27.25, 27.30, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.51, 28.52, 28.53, 28.54, 28.55, 28.56, 28.57, 28.58	
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04/28/08	ADOPT: 17987, 17987.1, 17987.2, 17987.3, 17987.4, 17987.5	06/23/08 ADOPT: 2275
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04/25/08	AMEND: 17210.2, 17210.4, 17855.2, 17862, 17867	05/23/08 ADOPT: 1417 AMEND: 1029, 1206, 1248, 1357, 1358, 1461
04/07/08	AMEND: 228(b)(1)	04/18/08 AMEND: 3291, 3293
04/04/08	AMEND: 27.80	04/07/08 AMEND: 3173.2
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08/29/08	AMEND: 3000, 3261.1, 3261.2, 3261.4, 3261.5, 3261.7, 3267	08/25/08 AMEND: 1399.480, 1399.481, 1399.482, 1399.483, 1399.484, 1399.485, 1399.486, 1399.487, 1399.488, 1399.489, 1399.489.1
08/04/08	AMEND: 2041	
08/04/08	AMEND: 3000, 3005, 3006, 3008, 3009, 3011, 3012, 3013, 3015, 3016, 3290, 3310, 3313, 3314, 3315, 3317, 3318, 3320, 3323, 3327, 3328	08/15/08 AMEND: 1361
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		07/09/08 ADOPT: 1984
		07/08/08 AMEND: 1399.540
		07/03/08 AMEND: 1568
		07/02/08 AMEND: 390, 390.1, 390.3, 390.4, 390.5, 390.6 REPEAL: 390.2
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06/11/08	REPEAL: 1399.664	04/03/08	AMEND: 6508
06/04/08	AMEND: 931	04/02/08	AMEND: 93119
05/21/08	AMEND: 4141	04/02/08	AMEND: 93119
05/20/08	AMEND: 905	Title 18	
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05/16/08	AMEND: 1399.696, 1399.697	08/05/08	AMEND: 3000
05/12/08	AMEND: 1399.523	07/16/08	AMEND: 5216, 5310, 5311, 5326.4, 5326.6, 5333, 5333.4, 5333.6, 5523.4
05/08/08	REPEAL: 3300	06/23/08	AMEND: 19503
05/07/08	ADOPT: 1364.32 AMEND: 1364.30	06/10/08	ADOPT: 2558, 2559, 2559.1, 2559.3, 2559.5
05/02/08	AMEND: 1079.2	06/04/08	AMEND: 23038(b)–2, 23038(b)–3
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04/24/08	AMEND: 1387.3	04/23/08	AMEND: 1620
04/24/08	AMEND: 3000	04/10/08	AMEND: 1570
04/17/08	AMEND: 1399.660	Title 19	
04/16/08	ADOPT: 973, 973.1, 973.2, 973.3, 973.4, 973.5, 973.6	08/07/08	ADOPT: 1980.00, 1980.01, 1980.02, 1980.03, 1980.04, 1980.05, 1980.06, 1980.07, 1990.00, 1990.01, 1990.02, 1990.03, 1990.04, 1990.05, 1990.06, 1990.07, 1990.08, 1990.09, 1990.10, 1990.11, 1990.12, 1990.13
04/14/08	AMEND: 1380.1	06/06/08	AMEND: 200, 203, 204, 206, 207, 208, 209, 211, 212, 214, 215, 216, 217
04/10/08	AMEND: 4123	04/23/08	ADOPT: 2660 AMEND: 2720, 2723, 2724, 2725, 2726, 2728
Title 17		Title 20	
08/06/08	AMEND: 94006	05/20/08	AMEND: 2323(a), 2323(b), 2323(c), 2323(d), 2323(e), 2323(f), 2325(a), 2329(c), 2329(e), 2330(a), 2332(d), 2333(a), 2335(b)
07/14/08	AMEND: 57310, 57332	04/15/08	ADOPT: 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, Appendix A
07/14/08	ADOPT: 100120		
07/08/08	AMEND: 95005		
07/02/08	AMEND: 2299.1, 93118		
06/12/08	ADOPT: 94016, 94168 AMEND: 94010, 94011		
05/30/08	AMEND: 100080, 100085, 100090, 100100		
04/30/08	ADOPT: 35004, 35005.1, 35031, 35088, 36050 AMEND: 35001, 35002, 35003, 35005, 35006, 35007, 35008, 35009, 35010, 35012, 35013, 35014, 35015, 35016, 35018, 35019, 35020, 35021, 35022, 35025, 35026, 35027, 35028, 35029, 35030, 35032, 35033, 35034, 35035, 35036, 35037, 35038, 35039, 35040, 35041, 35042, 35043, 35044, 35045, 35046, 35047, 35048, 35049, 35050, 35051, 35052, 35053, 35054, 35055, 35056, 35057, 35061, 35065, 35066, 35067, 35070, 35072, 35076, 35078, 35080, 35081, 35082, 35083, 35085, 35087, 35089, 35091, 35093, 35095, 35096, 35097, 35099, 36000, 36100 REPEAL: 35023		
04/21/08	AMEND: 54355		

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06/30/08 ADOPT: 111, 112, 113, 114, 121, 131, 132, 133, 134, 135, 136, 141, 151, 152, 153

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08/07/08 AMEND: 51098.5, 51202.5, 51309.5, 51503.3

06/26/08 AMEND: 100140, 100141, 100163, 100172, 100174

06/23/08 AMEND: 12805

06/17/08 ADOPT: 25000, 25102, 25103, 25104, 25201, 25203, 25204, 25301, 25302, 25303, 25304, 25305, 25306, 25401, 25403, 25405, 25501, 25502, 25503, 25504, 25505, 25601, 25701, 25703, 25705, 25707, 25709, 25711, 25713, 25721, 25801, 25803, 25805, 25821, 25900, 25901, 25902, 25903, 27000, 28001, 28002, 28003, 28004, 28006, 28007, 28008, 28009, 28010, 28011, 28012, 28013, 28014, 28015, 28016, 28017, 28018, 28019, 28020, 28021, 28022, 28023, 28024, 28025, 28026, 28027, 28028, 28029, 28030, 28031, 28032, 28033, 28034, 28035, 25036, 28037, 28038, 28039, 28040 REPEAL: 12000, 12102, 12103, 12104, 12201, 12203, 12204, 12301, 12302, 12303, 12304, 12305, 12306, 12401, 12403, 12405, 12501, 12502, 12503, 12504, 12505, 12601, 12701, 12703, 12705, 12707, 12709, 12711, 12713, 12721, 12801, 12803, 12805, 12821, 12900, 12901, 12902, 12903, 14000, 15001, 15002, 15003, 15004, 15006, 15007, 15008, 15009, 15010, 15011, 15012, 15013, 15014, 15015, 15016, 15017, 15018, 15019, 15020, 15021, 15022, 15023, 15024, 15025, 15026, 15027, 15028, 15029, 15030, 15031, 15032, 15033, 15034, 15035, 15036, 15037, 15038, 15039, 15040

05/08/08 ADOPT: 66260.201 AMEND: 66260.10, 66261.9, 66273.1, 66273.3, 66273.6, 66273.8, 66273.9, 66273.12, 66273.13, 66273.14, 66273.20, 66273.32, 66273.33, 66273.34, 66273.40, 66273.51, 66273.53, 66273.56, 66273.82, 66273.83, 66273.90, Appendix X to Chapter 11

05/06/08 ADOPT: 72038, 72077.1, 72329.1 AMEND: 72077, 72329

04/18/08 AMEND: 4410 REPEAL: 4410.5

04/15/08 AMEND: 50960.2, 50960.4, 50960.6, 50960.9, 50960.12, 50960.15, 50960.21, 50960.23, 50960.26, 50960.29, 50960.32, 50960.34, 50960.36, 50962, 50963, 50964, 50965, 50966

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07/09/08 ADOPT: 88054, 89318 AMEND: 80017, 83017, 83064, 83075, 84065, 84068.2, 84090, 84165, 84265, 86065, 86068.2, 86517, 88001, 88022, 88031, 88065.3, 88068.2, 88069.7, 89317, 89378, 89405

07/09/08 ADOPT: 88054, 89318 AMEND: 80017, 83017, 83064, 83075, 84065, 84068.2, 84090, 84165, 84265, 86065, 86068.2, 86517, 88001, 88022, 88031, 88065.3, 88068.2, 88069.7, 89317, 89378, 89405

06/30/08 AMEND: 63-300, 63-504, 63-505, 63-601

Title 22, 27

07/07/08 AMEND: Title 22, 67450.11; Title 27, Div. 3, subd. 1, Chapter 4C. and Chapter 6

Title 23

07/01/08 AMEND: 3935

06/27/08 ADOPT: 3949.5

06/26/08 ADOPT: 2918

05/13/08 ADOPT: 3919.3

05/12/08 AMEND: 3947

05/12/08 AMEND: 3939.22

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08/29/08 ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216

07/14/08 AMEND: 2002, 4004, 5002, 5511

04/02/08 ADOPT: 7201, 7205, 7205.1, 7205.2, 7205.3, 7206, 7207, 7209, 7211, 7215, 7225, 7231 AMEND: 7200, 7202, 7204, 7206 (renumbered to 7209.5), 7208, 7210, 7212, 7218 (renumbered to 7217), 7220, 7222, 7224, 7226, 7228, 7230, 7232, 7234, 7239 (renumbered to 7201) REPEAL: 7214, 7216

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08/08/08 AMEND: 25705(b)

06/17/08 ADOPT: 25000, 25102, 25103, 25104, 25201, 25203, 25204, 25301, 25302, 25303, 25304, 25305, 25306, 25401, 25403, 25405, 25501, 25502, 25503, 25504, 25505, 25601, 25701, 25703, 25705, 25707, 25709, 25711, 25713, 25721, 25801, 25803, 25805, 25821, 25900, 25901, 25902, 25903, 27000, 28001, 28002, 28003, 28004, 28006, 28007, 28008, 28009, 28010, 28011,

28012, 28013, 28014, 28015, 28016, 28017, 28018, 28019, 28020, 28021, 28022, 28023, 28024, 28025, 28026, 28027, 28028, 28029, 28030, 28031, 28032, 28033, 28034, 28035, 25036, 28037, 28038, 28039, 28040 REPEAL:		15018, 15019, 15020, 15021, 15022, 15023, 15024, 15025, 15026, 15027, 15028, 15029, 15030, 15031, 15032, 15033, 15034, 15035, 15036, 15037, 15038, 15039, 15040
12000, 12102, 12103, 12104, 12201, 12203, 12204, 12301, 12302, 12303, 12304, 12305, 12306, 12401, 12403, 12405, 12501, 12502, 12503, 12504, 12505, 12601, 12701, 12703, 12705, 12707, 12709, 12711, 12713, 12721, 12801, 12803, 12805, 12821, 12900, 12901, 12902, 12903, 14000, 15001, 15002, 15003, 15004, 15006, 15007, 15008, 15009, 15010, 15011, 15012, 15013, 15014, 15015, 15016, 15017,	Title MPP	
	06/30/08	AMEND: 63-300, 63-504, 63-505, 63-601
	06/30/08	AMEND: 42-721, 42-780, 44-303, 44-307, 44-318, 82-812
	06/26/08	ADOPT: 40-037, 70-101, 70-102, 70-103, 70-104, 70-105 AMEND: 30-755, 30-770, 40-105, 42-430, 42-431, 42-433, 42-711, 49-020, 49-030, 49-060, 63-403, 69-201, 69-202, 69-205
	06/04/08	AMEND: 63-301